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RESPONSIBILITIES OF CITIZENSHIP

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AMERICA IN THE  
MAKING

*YALE LECTURES ON THE  
RESPONSIBILITIES OF CITIZENSHIP*

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# AMERICA IN THE MAKING

BY

LYMAN ABBOTT



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## PREFACE

My object in this course of lectures is practical rather than scientific, and, in the broad sense of that term, religious rather than secular. As I follow gentlemen who possess an international reputation as scholars and statesmen, it would have been folly for me to attempt to compete with them in the realm of political scholarship or practical politics. I must approach the American problem from that which is, and throughout my life has been, my point of view. That point of view will appear more clearly as I proceed, but it may be foreshadowed in two sentences: I accept Matthew Arnold's statement that "there is a power not ourselves which makes for righteousness"; that this power works in and through humanity to a predetermined end, a divine ideal; and that social and political evolution can be understood only as we understand in what direction mankind is moving under this divine direction. I assume also that the clearest interpretation of that ideal which history

affords us is that furnished by the teaching of the prophets of the Old Testament and of Jesus and his apostles in the New Testament; that to understand these principles and to know how to apply them to the complicated problems of modern life is to work with the divine Power for the divine end. It is because I gladly welcome the opportunity to point out to the men of Yale University what are some of these principles, what are some of the obligations which they lay upon us, and in what direction we must move and in what spirit we must act to accomplish a real success in life, that I welcomed the opportunity which the invitation of this University gave to me.

LYMAN ABBOTT.

THE KNOLL,  
CORNWALL ON HUDSON, N. Y.,  
*January, 1911.*

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AMERICA IN THE MAKING



## THE AMERICA OF TO-DAY

IN his interesting drama, "The Melting Pot," Israel Zangwill thus dramatically describes the process going on to-day in the United States of America. The conversation is between Vera, a Christian girl, interested in social settlement work, and David, a Jewish violinist and composer, whose aid she wishes:

(From "The Melting Pot," by Israel Zangwill,  
pp. 36, 37, and 38.)

VERA

So your music finds inspiration in America?

DAVID

Yes — in the seething of the Crucible.

VERA

The Crucible? I don't understand!

DAVID

Not understand! You, the Spirit of the Settlement! (*He rises and crosses to her and leans over the table, facing her.*) Not understand that America is God's Crucible, the great Melting-Pot where all the races of Europe are melting and re-forming! Here you stand, good folk, think I, when I

see them at Ellis Island, here you stand (*Graphically illustrating it on the table.*) in your fifty groups, with your fifty languages and histories, and your fifty blood hatreds and rivalries. But you won't be long like that, brothers, for these are the fires of God you've come to — these are the fires of God. A fig for your feuds and vendettas! Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians — into the Crucible with you all! God is making the American.

MENDEL

I should have thought that the American was made already — eighty millions of him.

DAVID

Eighty millions! (*He smiles toward VERA in good-humoured derision.*) Eighty millions! Over a continent! Why, that cockleshell of a Britain has forty millions! No, uncle, the real American has not yet arrived. He is only in the Crucible, I tell you — he will be the fusion of all races, the coming superman. Ah, what a glorious Finale for my symphony — if I can only write it.

God is making the American, but God works through men. If the American is to be made, he must be made by Americans. What can we do to make the American of the future such that we shall have a right to be proud of our handiwork? The modern Jew sees in a vision all the races of Europe melting and re-forming in God's crucible; an ancient Jew saw men and women gathered out of every tribe, and tongue, and people, and Nation, and made to be unto God a Kingdom of priests, to



reign upon the earth. What can we do to transform the vision of the modern Jew into the vision of the ancient Jew, Ellis Island into the celestial city, democratic America into the Kingdom of God? That is the question I shall ask you to consider with me in this course of lectures.

Within our Territory are gathered men of all races: the North American aborigines, the African negroes, the East Indians, the Chinamen, the Anglo-Saxon men of all nationalities; the Scandinavians, the Dutchmen, the Frenchmen, the Spaniards, the Italians, the Austrians, the Hungarians, the Germans, the Poles, the Russians, the Irishmen, the Englishmen. All the languages spoken in the civilized portions of the globe are spoken in America. We are as polyglot as Europe with this difference: Europe is like a great apartment house, the different peoples live in different apartments; here we are housed all in one room. We brush against each other in the cars, meet each other in our offices, share with each other our parks, museums, and concert halls, and jostle against each other at the polls. Men of all religions, not together, but in close contiguity. Here is the polygamist Mormon, the reverent Roman Catholic, the traditional Jew,

the emotional Methodist, the esthetic Episcopalian, the conservative Presbyterian, the progressive Congregationalist, the critical Unitarian, the ostentatiously irreligious Agnostic. Worshipers in the Jewish synagogue, the Roman Catholic cathedral, and the Quaker meeting-house can almost hear the sound of each other's services. Here are men of all classes and all temperaments mingling together. The rich and the poor, the capitalist and the laborer, the superstitious and the rationalistic, the idealist and the materialist, the visionary and the executive. And we really mingle, really interchange our ideas and our ideals, and by the interchange modify each other. Our memories of the past, our ideals of the future, our understandings of the present, our abilities, our temperaments, the means of our intercommunication, are different.

But not only is the Nation composed of contrary elements, the individual American is also composed of contrary elements. There is a typical Frenchman, a typical German, a typical Italian, a typical Englishman, a typical Irishman, but a typical American? No, there is a typical American capitalist, a typical American mechanic, a typical American farmer, a typical American miner, a typical Ameri-

can cowboy, a typical New Englander, a typical Westerner, a typical Southerner, but the American is a composite made up of many types. There is no better portrait in literature of this composite American than that by Rudyard Kipling:

Calm-eyed he scoffs at sword and crown,  
Or panic-blinded stabs and slays:  
Blatant he bids the world bow down,  
Or cringing begs a crust of praise;

Or, sombre-drunk, at mine and mart,  
He dubs his dreary brethren Kings.  
His hands are black with blood — his heart  
Leaps, as a babe's, at little things.

Enslaved, illogical, elate,  
He greets th' embarrassed Gods, nor fears  
To shake the iron hand of Fate  
Or match with Destiny for beers.

Lo, imperturbable he rules,  
Unkempt, disreputable, vast —  
And, in the teeth of all the schools,  
I — I shall save him at the last!

Cartoon though it is, there is no better, because in this cartoon the contradictory characteristics of the unformed character are so clearly portrayed. Not only the American Nation, but scarcely less the American individual is in the making, and the unfinished product is as much a problem to the

student of National life as is the half-made boy to his completed parents. What the boy will become it is difficult to guess; what the American Nation, what the American individual will become in the future, it is even more difficult to guess.

And yet if we believe with Zangwill that America is God's crucible, and that in it all the races of Europe are melting and re-forming, we should be able to discern in the history of the past and in the hopes of the future some common faith which binds us together and some goal of our hopes toward which, consciously or unconsciously, we are moving. For despite its contradictory elements the Nation has a definite character. And if you are to do well your work of making the America of the future, you must understand the essential characteristic of the America of the present.

Aristotle divides government into three classes: government by the one, government by the few, government by the many. Our fathers in the founding of this Republic conceived a fourth, self-government. Their experiment assumed three fundamental principles: First, that the mass of men are better able to govern themselves than the few are to govern them. All human government is

imperfect, but the perils from the selfishness of the few are greater than the perils from the ignorance of the many. Second, therefore that men should manage their own affairs, and only their own affairs. Out of this grew both the individualism and the local self-government of the early days of the Republic. Because men were better able to govern themselves than the few wise and strong were to govern them, each man should be left to take care of his own individual interests, and each locality should be left to take care of its own local interests. Thus the individual should manage his home, the town meeting should manage the town, the people of the State should manage the affairs of the State, and those matters which concerned the people of the entire Nation should be left to the National Government. To draw the line between National and State interests, between State and town interests, between town and individual interests is difficult. The line changes with changes in National development, but the principle remains always the same; it is one of the three foundation stones of the American Republic. Third, our fathers were not, however, so unwise as to believe that all men are inherently able to govern themselves as birds are

able to fly. They believed not in an inherited and instinctive capacity for self-government, but in a dormant and undeveloped capacity. They held that men, and all men with only a few exceptions that prove the rule, can be educated and must be educated. Hence they incorporated in the life of the Republic a public school system. It is true that this public school system did not, in its modern form, find a place in the Southern or slave States, but it is also true that because it did not find a place in the Southern or slave States, democracy, that is, self-government, did not succeed in those States until the abolition of slavery on the one hand and the creation of a public school system on the other.

No political principle is true, certainly no political principle is successful, unless it is worth fighting for and suffering for. Our fathers believed that these three principles — the possibility of self-government, the resultant Federal system, and universal education — were worth fighting for. Seven years of war with what was then the greatest of the world powers testified to the vitality of their faith and established their right, because it established their power, to attempt this new experiment in political organization. The surrender of Cornwallis at Yorktown

proved their ability to defend their faith on the field of battle, and the formation of the United States Constitution after long debate and by many compromises proved both their ability to rise superior to local prejudices and their political wisdom to apply to present and future conditions political principles before undreamed in the history of the world. Among these compromises was one which threatened to prove fatal to the perpetuity of the Republic. Slavery was left as a local form of industry in one-half of the Republic, in the general and then well-nigh universal belief that it would be gradually abolished in the Southern States as it had been gradually abolished in the Northern States. This hope was not realized. Out of slavery grew, by an inexorable law, a feudal system — a society divided into three classes: a class of great landowners and slaveholders, a class of poor whites under the domination of the landed aristocracy, and a class of slaves who performed nearly all the manual labor of the community. Whether the South was right in holding that under the Constitution the supreme sovereignty resided in the States and the supreme loyalty was due to the States, or the North was right in holding that

the supreme sovereignty resided in the Nation and the supreme loyalty was due to the Nation, is a question needless for my purpose to consider. The Civil War decided that question for the future and left the historical question a purely academic one. It established practically two principles by which, after Appomattox Court House, the Republic would be governed. First, that the principle of self-government applies to all races, to the negro as well as to the white man; that he also is better able to take care of his own interests than a master is to take care of them for him; that he also has a dormant capacity that can be developed for self-government. And, second, that a government founded on self-government is not weak; by the Civil War it proved itself strong enough to meet one of the greatest revolts against National authority the world has ever seen.

The apprehensions with which the men of 1850 looked forward to the peril of the Civil War have not been fulfilled. The calamity was great, the wounds have not yet been healed; but the war, which wise men thought would forever alienate the South and the North, or would destroy self-government by making one section subject to the other,

has had the effect both to enfranchise the South and to unite the South and the North together in a friendship more cordial than they had ever before known. To a union of communities mutual respect is essential. The South had despised the North as a community of shopkeepers; the North had despised the South as a community of braggarts. The war proved to each its mistake. Hero fought hero on many a bloody battlefield, and when, at last, they clasped hands it was in a spirit of mutual respect now happily developing into one of fraternal affection and patriotic Nationalism.

Washington had counseled his fellow citizens to avoid entangling alliances with foreign Nations, and that counsel had been both wise and easy to follow, but with the close of the Civil War the Nation entered upon a new era. Steam bridged the Atlantic Ocean; England was brought as near to America as the Atlantic to the Pacific coast; Liverpool as near to New York as New York to San Francisco; and a stream of immigration began to pour across this floating bridge. In 1863 Abraham Lincoln urged the importance of doing something to encourage immigrants from foreign countries to come to America to share our privileges and to co-operate

with us in the cultivation of our soil, the development of our industries, and the making of our Nation. Now all timid souls, and many who are only rationally cautious, fear lest the stream of immigration will corrupt our Nationality. Henry Ward Beecher said, speaking on this immigration question, that when a camel ate palm leaves the camel did not become palm, but the palm became camel. We are beginning to fear lest the American camel will suffer, at least, a severe attack of indigestion from over-feeding. With this change in population came change in National interests. Our newspapers became less provincial. The Irish question, the Hungarian question, the Turkish question, the far-off Eastern question, all became objects for public debate and popular interest. A province of Spain, lying less than 200 miles from our shore, both appealed to our sympathies and threatened our welfare. Nearly every year we imported yellow fever from Havana, and Congress could provide no prohibitory tariff to keep it out. At length came the war between the youngest democracy and the oldest autocracy. That we ever doubted what the issue of that war would be seems now almost unbelievable, but, in fact, we entered

upon it with some apprehension, and European powers anticipated for us a humiliating defeat. At the end of it we found ourselves responsible for the government of an Archipelago, which is almost a continent, on the other side of the globe. Whether we will or no, we are henceforth a world power. Thus this self-governing Republic has passed through three stages: first, it is born of long travail; second, in its youth it struggles for its life with incongruous inherited tendencies in its own Constitution; and third, it proves itself a world power by a conflict with one of the old world powers.

During this eventful history the self-governing Republic has grown with unprecedented rapidity: in territory from thirteen colonies, lying along the Atlantic coast, to a Republic equaling in size the ancient Roman Empire and covering the larger part of a continent; in population from three or four millions — not quite as many as are now crowded together in the city of New York — to eighty millions; in wealth from the poorest to one of the richest Nations on the globe; and in heterogeneity of population, variety of production and industry, and consequent complexity of National problems as rapidly as in size, numbers, and wealth.

It is not merely, it is not mainly the wealth of our mines, our prairies, and our forests that have drawn the immigrant from the old world to the new. They have been drawn by the fascination of freedom. In the old world they had been children, in the new world they would be men; in the old world they had been cared for, in the new world they would care for themselves; in the old world their place in the social organization and their industries and its rewards had been determined for them; they had to travel through life in the first, second, third, or fourth class car in which they were born, in the new world all cars were open to them. They could find their own way, make their own place, perform their own chosen industry, secure from the world whatever reward they could make the world believe their service was worth. There they were the passive instruments of a predetermined destiny; here their destiny was put into their own hands. There their careers were chosen for them; here they could choose their own careers. In the old world they had rowed like the slaves of the Roman Empire in the galley ships and went when and whither the masters directed; here each man was to paddle and steer his own canoe and go whither his inclinations

might carry him. This is what we mean by liberty in America. It is self-government. We assume the ability and we assert the right of every normal man to be the master of his own life, under no other control from his neighbor than is necessary to protect his neighbor's well-being.

In a characteristically eloquent passage, Mr. Ruskin puts before his readers two conceptions of liberty, neither of which accord with the American ideal. "If," he says, "by liberty you mean chastisement of the passions, discipline of the intellect, subjection of the will; if you mean the fear of inflicting, the shame of committing, a wrong; if you mean respect for all who are in authority, and consideration for all who are in dependence; veneration for the good, mercy to the evil, sympathy with the weak; if you mean watchfulness over all thoughts, temperance in all pleasures, and perseverance in all toils; if you mean, in a word, that Service which is defined in the liturgy of the English church to be perfect Freedom, why do you name this by the same word by which the luxurious mean license, and the reckless mean change; by which the rogue means rapine, and the fool equality, by which the proud mean anarchy, and the malignant mean

violence? Call it by any name rather than this, but its best and truest is, Obedience.”<sup>1</sup> In America liberty means obedience to the voice within, not to the power without. If aristocracy means government by the best, all good government is aristocratic government. In America also we believe in government by the best, but we do not believe in the government of the poor in the community by the rich, nor in the government of the weak in the community by the strong, nor in the government of the ignorant in the community by the wise, nor in the government of the worst in the community by the better. We believe in the government of each individual by the best that is in him. We assume consciously, or unconsciously, as the very foundation of our political economy, that in every normal man there is dormant an ability which can be educated to understand his own interests and his own duties; and that there is in every normal man a power of will which can be developed which will enable him to care for his own interests and to fulfil his own duties. We believe in obedience, but the obedience we believe in is self-obedience.

✓ Another writer, of a different temperament but

<sup>1</sup> *Seven Lamps of Architecture*, p. 185.

of the same school of thought, Thomas Carlyle, has defined for us the old world conception of liberty.

“O, if thou really art my *Senior*, *Seigneur*, my *Elder*, *Presbyter*, or *Priest*, — if thou art in very deed my *Wiser*, may a beneficent instinct lead and impel thee to ‘conquer’ me, to command me! If thou do know better than I what is good and right, I conjure thee in the name of God, force me to do it; were it by never such brass collars, whips, and handcuffs, leave me not to walk over precipices! That I have been called, by all the Newspapers, a ‘free man’ will avail me little, if my pilgrimage have ended in death and wreck. O that the Newspapers had called me slave, coward, fool, or what it pleased their sweet voices to name me, and I had attained not death, but life! — Liberty requires new definitions.”<sup>1</sup> This is not the American definition of liberty. The American wishes not that any man, however wise and virtuous he may be, shall force his fellowman by brass collars, whips, and handcuffs to do the thing which the wise man thinks wise and virtuous, or to abstain from doing the thing which the wise man thinks foolish and unvirtuous. Brass collars, whips, and handcuffs

<sup>1</sup> *Past and Present*, pp. 182, 183.

are sometimes needful instruments for the protection of one man from the wrongs of his fellowman, but they are not to be used to protect one man from his own folly if he be a normal man and capable of a man's education.

Through all these changes, despite difficulties, disappointments, and some political failures; despite the great increase of foreign population trained in a wholly different school and possessing wholly different traditions; despite the enlargement of its territory and the heterogeneous character of its climate, soils, products, and populations; the variety of its races, its classes, its languages, and its religions, America has adhered with singular tenacity to its birthright. It is more, not less, democratic; more, not less, a self-governing community. Our fathers did not think that the people could elect their own President. They provided a machinery by which the people of the different States would elect wise men who, coming together, would select the President for the people. The machinery still exists, but the President is elected, not by the Electoral College, but by the people. They did not think the people competent to select their own Senators; they provided that the Senators should be elected

by the legislative bodies of the several States. They are still elected by the legislative bodies of the several States but in a large and increasing proportion of the States these legislative bodies are getting from the people a mandate to elect to the Senate the man whom the people have beforehand selected. In wholly informal bodies, unknown to the Constitution and the law, men meet to debate political and quasi-political problems. These so-called Congresses formulate the popular will on questions of currency, tariff, temperance, insurance, education, conservation, and the like and carry up to the legislative body of the State or to the Congress of the United States their conclusions, and these legislative bodies, State or Federal, are more and more becoming bodies not for the ascertainment of the popular will, still less for the enactment of laws regulating the popular will, but for the formation of the popular will in legislative enactment when that popular will has been otherwise ascertained. What may be the final result of the movement in favor of the referendum, the initiative, and the recall, in a word, in favor of the right of the people directly to instruct their representatives how to act in their representative offices, is yet to be

seen; but the movement is significant of the National passion for self-government.

The reluctance of the American people for repressive measures is temperamental and constitutional. It is matched by the passion of the American people for educational measures. The popular hostility to a standing army, to a State constabulary, even to a large and efficient police, is the hostility of a people who wish never to appeal to brass collars, whips, and handcuffs, who fear despotism more than they fear disorder, who regard all employment of force in the maintenance of peace and order as necessarily transient, and who are more interested in political reform than in temporary restraint. De Tocqueville has said that the size of American cities, and especially the nature of their population, threatens the future security of the democratic Republics of the new world, and he adds, "I venture to predict that they will perish from this circumstance, unless the government succeeds in creating an armed force, which, while it remains under the control of the majority of the nation, will be independent of the town-population, and able to repress its excesses."<sup>1</sup> The American people are

<sup>1</sup> *Democracy in America*, Vol. I., p. 370.

loath to accept either his premise or his conclusion. They look upon the schoolhouse as a better safeguard than the armory, because their constant aim, conscious and subconscious, but never wholly lost sight of, is not the government of the weak, the ignorant, and the vicious by the strong, the wise, and the virtuous, but the development of the weak, the ignorant, and the vicious that they may be strong enough, and wise enough, and virtuous enough to govern themselves. Even when they commend, as they sometimes do, a new general military service, it is for its educative influence, not as a police protection.

Because America is thus the land of self-government it is the land of free self-expression. Nowhere else in the world is every individual so free as in America to live his own life and to utter his own conviction, to express his own faith and to criticise the faith of his neighbor. Nothing is venerated because it is old, nothing is feared because it is new. Age is no argument for a custom, novelty is no argument against it. Not only there is no law against the utterance of any opinion, there is no social convention against it. The more erratic the creed, the more likely the press is to publish

it and the more likely curious readers are to examine it.

Movements in America for the censorship of the press, whether by legislative enactment or by voluntary boycott, meet with scant support. It is true that freedom of self-expression carries serious evils with it. It gives us a journalism which does not distinguish between gossip and news; a journalism which is more solicitous to produce a sensation than to furnish education; a journalism which prints vice in large type and virtue in small type, or prints it not at all; a journalism which devotes thousands of dollars to reports of a brutal prize fight and makes scant preparation for the report of literary, scientific, and moral reform conventions; a journalism which publishes unproved charges and treats an accusation as though it were a conviction; a journalism which disregards the reserve of private life and seeks to compel all public men to live always before the public; a journalism which does not hesitate, after the pistol shot of a would-be assassin, to thrust its camera into the face of the Mayor of a great city, that it may give, to a hundred thousand readers, the expression of his face upon the instant of the tragedy. But the American

people still insist that the remedy for these evils is not government, but self-government; an educated constituency that will not purchase such journals; educated merchants that will not advertise in such journals; and educated journalists who will, for honor's sake, not furnish such journals. There are two, and only two, restrictions which American sentiment will ever allow to be placed upon the American press so long as America continues to be the land of self-government. The time will come, and there are some indications that the day-dawn is not far distant, when no journal by its printed utterance, and no speaker by his platform utterance, will be allowed directly or indirectly in explicit or unexplicit terms to incite men to the commission of crime; and the time is not far distant, though the signs of its approach are not so evident, when a newspaper will be amenable not only in damages to the injured party, but in penalty paid to the community, if by false reports it attempts to rob a citizen of his reputation. At present in America we regard the rights of property perhaps too well, we regard the rights of persons not so well, and we regard the rights of reputation not at all. But we need no censorship of the press in America. The

advantages which free expression confers upon the community is worth far more than all the incidental disadvantages which it brings with it. We only need a public sentiment which will protect from the crimes of the pen as it now protects from the crimes of the poniard; which will hold every man who incites a mob to violence as an accessory, and every man who robs his fellowman of a deserved reputation as a criminal to be classed with the pickpocket.

But life gets its expression not only in words, but in acts. Students of social conditions are divided in opinion on the question whether the negro race has been going up or going down since the abolition of slavery. The truth is, that it has been going in both directions. Slavery held the negro race at a certain dead level. On the one hand, the negroes could not get education, still less that freedom of life which is the best education, but neither could they fall into certain degrading and deteriorating vices. They might be lazy, but they could not be idle; they might be self-indulgent, but they could not be drunken. The door that led downward and the door that led upward were equally closed against them. When slavery was

abolished, those who wished to be thrifty, industrious, temperate, intelligent could become so; those who wished to be idle, vicious, drunken could also become so. What has occurred to the African race in the South is occurring to the whole American people from the Lakes to the Gulf. This is especially true with our foreign population. The restraints of the old world are taken off and they are free to live the life of their own choosing.

As a result, the extremes of moral life are found in America. Nowhere in commerce is greed more rapacious; nowhere is wealth more generous: nowhere is to be found more unscrupulous demagogues; nowhere more high-minded statesmen. Our yellow journalism is of the yellowest, but there are not anywhere in the periodical world any such forces for moral reform as are to be found in our best periodical literature. There are rural schools in which the character of the teacher and the shortness of the term make the teaching a pitiful false pretense, but also it is doubtful if even in Germany there are better schools than some of our best Grammar and High schools; and our universities, though the youngest in the world, compare not unfavorably in equipment and in inspirational force

with the best universities of older countries. It is to be hoped that no other country does, or can, furnish to its readers quite such horrible travesties of art as are furnished in some of our great cities by the Sunday newspapers, but we are not unwilling to have our Whistlers and our Sargents hung by the side of any modern art productions in London, Paris, or Berlin. We have done little yet to create music. That, we may hope, will come later. But the orchestras of Boston, New York, Cincinnati, and Chicago are not surpassed anywhere outside of Germany — it is doubtful whether they are surpassed even there.

With this free expression of life by word and by deed, which is the inevitable accompaniment of the spirit of liberty, there go moral forces equally antagonistic. Everywhere life is a tug of war between the good and the evil.

God stoops o'er his head  
Satan looks up between his feet, — both tug —  
He's left himself in the middle: the soul awakes  
And grows.<sup>1</sup>

But nowhere for both classes of forces is there a freer hand, nowhere is the tug of war more apparent than in America; perhaps for this reason nowhere

<sup>1</sup> Robert Browning: *Bishop Blougram's Apology*.

growth more rapid and more evident. We have gambling hells, and saloons, and houses of prostitution, and corrupt bosses, and pessimistic cynics pulling in one direction; we have churches and social settlements, and public and private schools, and great statesmen and social reformers pulling in the other. Of all countries America is at once the most lawless and the most law-abiding. We have the worst mobs and the smallest standing army. Nowhere are there worse corruptions of wealth, but nowhere is there a public sentiment against corruption so powerful and so alert when once it is awakened. It is sometimes said that we have the best government in the world. It is doubtful whether we have the government which governs best. Administration is more thorough and more effective in Germany; law is more impartially and promptly enforced in England; but we have a government which is developing self-government. We are educating an America which will be law-abiding because the law will be self-enacted and self-enforced. ✓

You are going out then, young men, into a world where, despite the seeming anarchism of thought which free expression produces, you have two great advantages for leadership.

You are going into a community where the opportunities of becoming acquainted with the real life of your fellowmen are unsurpassed in any community in the world. The society of the old world is masked and robed; here our masks and robes are off. There is neither law to limit our ideals, nor convention to restrain it. We see men more nearly as they are than they are seen anywhere else on the globe. What we think, and what we think that we think, we are ready to proclaim to any audience we can get, and men with whom you have no intellectual sympathy and little moral sympathy may yet be your teachers. We may learn from the errors of the ignorant as well as from the wisdom of the wise, from the struggles of men who are trying to think as well as from the philosophers who are skilled in thinking. We can learn something of the needs of human brotherhood even from the radical socialist, something of the perils of a too highly organized government even from the theories of the anarchist. We can learn the value of Christian unity from the Roman Catholic, the religious limitations of the mind from the Agnostic, the value of tradition from the Jew, the worth of a mystical faith from the East Indian; we can learn cheerful-

ness from the negro, patience from the Chinaman, order from the German, economy from the Frenchman, steadfastness from the Englishman, love of beauty from the Italian. These peoples are bringing to us not only muscles with which to dig our canals and build our railways, they are bringing to us new ideals worth our knowing, new impulses worth our sympathy. There is no man so ignorant that he cannot teach the wisest man something, and there are few men so base that they do not sometimes furnish an illustration of virtue. Said William Henry Baldwin, the President of the Long Island Railroad Company, "I need as an employer, an organization among my employes, because they know their needs better than I can know them, and they are therefore a safeguard upon which I must depend in order to prevent me from doing them an injustice."<sup>1</sup>

This freedom of expression also makes our National vices known. It may not be desirable to wash our soiled linen in public, but it is better to wash it in public than not to wash it at all. Our journals, by the emphasis which they put on suicides and murders, may incite weak-minded readers

<sup>1</sup> J. G. Brooks, *American Citizen*, p. 149.

to suicide and murder, but the whole community knows the evil forces which are at work in the community, and knowing can, if it will, combat them. In the American newspaper we see the American National life coming into the consciousness of the American Nation. However abhorrent the evil, it is better for us to know that it exists. "Every one," says Jesus, "that doeth evil, hateth the light, and cometh not to the light lest his works should be reprov'd." The American newspaper throws light upon the men who are doing evil, though it does not always accompany the exhibition of the wrong with a standard of just judgment.

In this land of free expression we are free not only to receive from our fellowmen their ideas, but to give them ours. You, young men of Yale University, are going out to speak to audiences which are free to listen and eager to learn. You must, it is true, know their language if you are to speak to them, you must understand their needs if you are to minister to them, you must comprehend their curiosity if you are to satisfy it, but you do not have to awaken their curiosity or stir in them the consciousness of need. The American audience is always an alert audience. As the result of a pretty

extended experience in public speaking to every kind of audience and in every part of the country, I affirm without hesitancy that, with very rare exceptions, an American speaker who has the courage of his convictions may declare any doctrine to any audience and they will give to his convictions a respectful hearing, provided he shows a respect for theirs. The American Roman Catholic desires to know what Protestantism is; the American Democrat desires to know what Republicanism is; the American socialist desires to know what Individualism is; the American Southerner desires to know Northern thoughts; the American Westerner to know Eastern thoughts. There are no odious heresies in America. We used to burn the heretics; now we clamor for their books.

And as America is the land of free expression, it is also the land of free experiment. Two characteristics of American life promote what may be called the laboratory method in politics and sociology.

Local self-government and our Federal system enable us to try political experiments on a small scale, and we avail ourselves of this advantage. How shall we treat the liquor traffic? One State

tries total prohibition, another State high license, a third State local option, a fourth State the dispensary system, a fifth State liberty of sale subject to taxation, and a sixth, seventh, and eighth State various combinations of these methods. One State allows universal suffrage and gives the ballot to women, another State universal suffrage without the ballot to women, and still other States suffrage subject to property or educational qualifications. Some States practically elect their Senators by popular vote, others by the legislative Assembly. Various forms of nomination are essayed, various experiments of the Direct Primary. In one State of this Union divorce is nearly as free as it was in ancient Rome, in another State it is more difficult to get a divorce than it now is in England. Some city governments are constructed on the Federal system with two legislative bodies and Ward representation, some cities are trying what is called the Commission plan — the administration of the city affairs by a small body elected by a general ticket, and some, as in New York City, a combination of the two. As to taxation, there are probably as many different forms of taxation in the United States as there are States in the Union. The re-

former has not, therefore, to persuade the whole country to try his experiment, he has only to persuade his locality. It is true that we have not hitherto studied each other's experiments to any great extent, but our National non-political conventions and our recently organized meeting of Governors is bringing about such an interchange to the great advantage of the country.

And this Federal habit of experimentation in the States has promoted the habit of private experimentation. Our business men are contributing at least as much to our knowledge of sociology as is contributed by our professors of that somewhat unformed science in our colleges and universities. You will find a closed shop in which only union men are working, and by its side another kind of closed shop in which only non-union men are allowed employment, and on the other side a shop in which union men and non-union men are working together more or less amicably. Not far distant a manufacturer is trying the experiment of keeping his workingmen contented by providing various forms of recreation and education, what he calls welfare work, while another is endeavoring to secure the same end by giving to his workingmen

some share in the profits of the industry and leaving them to provide their own recreation in their own way. In America any man who has the power to persuade those who are working with him of the value of a new form of co-operation can introduce the experiment and test its value by the results. No permission need be asked of the Government, no odium need be expected from the community. The Government is indifferent and the community is curious.

And these experiments are useful alike when they succeed and when they fail. If we are wise, we can learn as much from our failures as from our successes. The failure of the Maine law to prohibit in the State of Maine has been probably the most efficient argument against the policy of prohibition in other States. From time to time Communistic societies have been started in America. There is nothing to prevent them except the fact that they never have prospered. And the repeated failure which Nordhoff has so well described in his volume on "The Communistic Societies of the United States" is a more convincing argument against communism than anything that could be deduced from purely practical considerations.

The other characteristic which has promoted laboratory methods in America is the fact that America is peopled by pioneers. We forget that we are all recently arrived immigrants. The *Mayflower* landed at Plymouth Rock in 1620. In the life of a Nation less than three centuries is hardly so much as a decade in the life of a man. From 1620 to the present day the stream of immigrants to this country has been composed of pioneers coming to attempt a new life in a new world. It is sometimes said that we are getting the dregs of Europe. That is not true. We are getting neither the dregs nor the scum. Doubtless we get some cranks who think they can set the world right with their new-fangled notions; doubtless some criminals, thinking this an easier place in which to ply their evil trade; and doubtless some incompetents, driven here under the stress of poverty, or drawn hither by the impression that laziness has a better field in America than in Europe. But the great mass of our immigrant population is made up of men and women with more energy and more initiative than their neighbors. It requires some initiative and some energy to turn one's back on the old homestead, break all the old associations, sunder

all the old ties, and travel thousands of miles to a new country, whose institutions, methods, and even language are unknown, and there begin life afresh. America is a Nation of pioneers, and its energy and its enterprise are characteristic of this pioneer population. Such a population is always eager to listen, curious to learn, and perhaps too eager to experiment.

With this eager energy, this courage, which is sometimes audacity, this willingness to tempt fortune with experiments that may lead to disaster, this spirit which is dangerously akin to the gambler's spirit and often degenerates into gambling, is a spirit of hopefulness. In this respect the American Nation in modern times is curiously like the Hebrew Nation in ancient times. The peoples round about looked back for their Golden Age, the Hebrew people looked forward for theirs. They believed in a good time to come, and in a Coming One who would bring them to that time and that time to them. So much were their faces turned toward the future, so much did their prophets speak to them in the language of hopefulness, that the word prophecy, which originally meant only speaking by inspiration, has come to mean to most readers of

the Bible speaking of future events. It is this hope of the future with its consequent audacity of enterprise and its faith in humanity and humanity's capacity for self-government which make the American Nation one. We have no common traditions, but we have a common expectation. "Neither race, nor tradition," says Professor Münsterberg, in his volume on "The Americans," "nor the actual past binds the American to his countrymen, but rather the future which together they are building."<sup>1</sup> Thus America is pre-eminently the land of visions, and in this land visionaries get much sympathetic hearing. The visions are not always rational. They are sometimes of an impossible and sometimes of a truly undesirable nature. They are not always noble; they are sometimes visions of a purely materialistic nature; visions of wealth in things rather than of wealth in character. But when all allowances are made, when all deficiencies are counted, it remains true that America is the land of hope. This is the characteristic difference between the poverty of New York and the poverty of London. In London the poor are descending from better to worse conditions, they are without

<sup>1</sup> Quoted by Herbert Croly in *The Promise of American Life*, p. 3.

a future; in America the poor are ascending from worse to better conditions; and even when they do not expect prosperity for themselves, they expect it for their children — and with reason. Eager aspiration has taken the place of the listless despair which has been sometimes mistaken for contentment. Father Bernard Vaughan's contrast between the slums of New York and those of London, despite some rhetorical exaggeration, will be confirmed by one who has compared the two, as I have done:

"My brethren, I spent last night in the slumdom of your mammoth metropolis. I found the joy as well as the privilege of being among my poor brothers and sisters of New York City. I compared your slums with the slums of a city even vaster than yours. I rejoiced in what I saw. Fifth Avenue is not in it. There are the children in the electric light, with their parents, sitting out, living an out-of-door life even in the night. Children dancing and merrying and making joy! Yes, with bells in the towers of their souls, rung out like chimes by angel hands. Poor people bright and joyous — Polack, Jew, and Italian, and Chinese, and Japanese — and Italian children with a slice of melon and a ray of sunshine, richer than your millionaires, more human, more natural, more Godlike. I almost longed to go down and spend a time with them, saying, 'I have come to stay.' Your slums are paradise compared with the dark, gloomy, sunless courts and alleys known to me in the East of London." <sup>1</sup>

This hopeful idealism has been throughout our

<sup>1</sup> *New York Tribune*, Oct. 9, 1910.

history a characteristic of the American Nation. Inspired by a vision of a self-governing Republic, our fathers proclaimed the independence of the Colonies and challenged the greatest Nation of the globe to war in the resolve to realize their vision; inspired by a vision of a wholly emancipated Republic, a later generation dared to proclaim its consecration to the policy of no more slave territory and realized its vision at a cost impossible to estimate; inspired by a vision of wholly emancipated labor and a truly democratic industry, the Nation is pursuing its way toward a golden age of equal opportunity. Thus America always has had, and, let us hope, always will have steerable way. The leader has to guide a living, aspiring community, not to awaken a sleeping one; he has to guide energy, not to create it; he has to counsel ideals, not to impart them to a stolid people bound by tradition and living in the past.

But to spiritual faith this National idealism is more than a mere circumstance in the life of a new Nation; it is a divine force working for a predestined end, for which we can work with an assured hope of ultimate result. Evolution has its goal in the future as well as its starting-point in the past.

The babe in the cradle is an enigma, the fully developed man is the solution. There is real significance in every human life, and there is real significance in every National life. There is something more in humanity than a mere aggregation of men; something more in the American Nation than merely eighty millions of Americans. Express it as we will, there is something more in human activity than human energies. "Call it God or what you like," says Mazzini, "there is life which we have not created, but which is given."<sup>1</sup> This life, which is thus given to us, may be called, with Matthew Arnold, "a Power not ourselves which makes for righteousness" or with Frederic Harrison, "the Spirit of Humanity," or with Professor Clifford, "our Father Man," or with the Friends, "the Inner Light," or with the Hebrews, "Jehovah," or with the Christian believer, "the Living Christ," the essential idea underlying them all is this: that the visions of humanity are imperfect, dimmed, distorted, and fragmentary visions of a divine ideal which, in human history, we are slowly working out to a splendid conclusion. "The counsel of the Lord," said the Hebrew Psalmist, "shall endure

<sup>1</sup> Bolton King: *Mazzini*, p. 235.

forever, and the thoughts of his heart from generation to generation.”<sup>1</sup> The movement of human progress which goes on from generation to generation is a divinely inspired and ordered movement. He who believes this may well believe with Thomas Hill Green, “to one who is full of sympathy with his fellowmen the most welcome manifestation (of the divine ideal) would be the political life of mankind.”<sup>2</sup> The true leader of his age is the man who sees this divine ideal less clearly seen by his contemporaries, and shows them what it means and what steps can be taken toward its realization. The false leader is he who, without any comprehension of an ideal toward which to lead, seeks only to show his contemporaries how they can realize their expectation for the immediate future, or who forms his own ideal and attempts to thrust it upon the people. Cavour saw in the aspirations of the Italian people an ideal of National unity and independence, and how that aspiration could be achieved; Bismarck saw in the aspirations of the German people the possibility of a German Empire, and fought throughout his life to realize for them their

<sup>1</sup> Psalm 33: 11.

<sup>2</sup> Quoted by John MacCunn: *Six Radical Thinkers*, p. 235.

half-conscious dream; Gladstone saw the real meaning of the vague aspirations of a hirsute and unkempt democracy and interpreted them in a political leadership, the result of which, on the National life of Great Britain, has not yet been fully seen; the founders of the American Republic understood, as the people themselves did not understand, the aspirations of the Colonists for a freer life, and interpreted to them their own aspirations in the Declaration of Independence. The politician never sees beyond the next election; he never truly understands his age. The statesman sees a future goal and reads aright in the aspirations of the people the direction in which they are to be led.

In this respect the leader differs not only from the politician, but also from the revolutionist. William Lloyd Garrison was an idealist, but he was not a leader, because he did not understand the divine ideal in the aspirations of the American people and did not interpret aright to them their duty. The duty of America, he said, is a duty of immediate and unconditional emancipation. That was not a true interpretation of the American ideal. It was not the duty of the North, because it is never a duty to do what one has no authority to

do, and the North had no more authority to emancipate the slave in America than it had to emancipate the serf in Russia. It was not the duty of the Southern slaveholder, for in the great majority of cases if he had given immediate and unconditional freedom to the negro, the negro's lot would have been worse, not better, than it was before. The aspiration of the American people for an emancipated Republic was truly understood by Abraham Lincoln and those who believed with him that the Nation should prohibit slavery in the territory which the Nation controlled. There is a sense in which the motto is true, *Vox populi, vox Dei*, but this voice of the people, which is the voice of God, is not to be heard in the shouting of the mob, it is to be heard in the often unuttered and still more often ill-expressed utterance of the half-conscious life stirring beneath the surface of the Nations.

What are the duties of the young men who are going forth from our colleges and our universities in the American life in this year of Grace, 1910? A century and a half ago, in the "Letters of an American Farmer," the author wrote this sentence: "The American is a new man, who acts upon new principles. He must therefore entertain new ideas

and form new opinions." Going into a community of such new men, acting upon new principles, entertaining new ideas, forming new opinions, your ambition should be, "He that would be greatest among you, let him be servant of all." Your function is to be, in larger or lesser measure, leaders of this community of pioneers; your object should be to help these new Americans to make a new Nation, the America of the future. This is the task which is laid upon you: To make an America that shall be strong and yet gentle; enterprising and yet modest; energetic and yet serene; courageous and yet pacific; cultivated and yet democratic; philanthropic and yet unsentimental; industrious and yet high-minded; religious and yet broad-minded. To make a Nation in which there shall be no masters and no sycophants; no corrupted politicians and no corrupting capitalists; no men too rich to serve and none too poor to find service; no libelers of their fellowmen and no journalists that confound gossip with news; no teachers who do not understand life and how to minister to it; and no priests or pastors who do not know that the only way to serve our God is by service rendered to God's children.

Not to solve your problems but to state them, not

to give the answers but to set them before you is my object in these lectures. I seek only to point out the nature of your duty; you must find for yourselves and learn from other teachers how you are to fulfil it.

In future lectures I propose to take up and state some of the political, the industrial, the educational, and the religious problems in the creation of a true self-governing Republic.

## POLITICAL RESPONSIBILITIES

IN his ever famous address at Gettysburg, Abraham Lincoln, in a characteristically comprehensive and concise sentence, described the American Nation: "Four score and seven years ago our fathers brought forth upon this continent a new Nation conceived in liberty, and dedicated to the proposition that all men are created equal." Faith in liberty and equality is not an acquirement by the Nation; it is the Nation's birthright; it is not a political opinion conferred by instruction, it is a religious faith. That faith not clearly defined, but profoundly felt, may be stated briefly as follows:

— God has made man in his own image; we are his offspring. We inherit from him ability to recognize the difference between right and wrong, between truth and falsehood, and the power to choose the right and eschew the wrong, to accept truth and reject the falsehood. This inherited power to know and to choose righteousness and truth involves the right to exercise this power. Because he has this

dormant power which education can develop and make adequate, he possesses the right to receive this education and to exercise the power when education has conferred it upon him. This is what we mean by liberty.

Because we are akin to the Eternal, we are therefore akin to each other. We have one Father, and therefore we are all brethren. The declaration that all men are equal means something more than merely that they are or ought to be equal before the law; that the law should be no respecter of persons or of caste or class. It means more than that in an ideal Republic all men should have equal opportunity; that the door of all industry should be opened to them all; and the doors of the school-houses should be open to them all. It means that mankind constitutes one great family; that in a more intimate sense the Nation, the State, the town are a household; and that as in the family brothers and sisters though of unequal ability and sometimes enjoying unequal advantages are yet equally children of their father and equally brethren and equally concerned in the welfare of the home, so in the Democratic State all races, all classes, all men constitute one household. Deeper than all

differences of language, nationality, religion, or race is this human brotherhood. Democracy is the attempt to realize in organized Society the saying of Jesus, One is your Father which is in heaven and all ye are brethren. The attempt to realize this saying in our political, industrial, and educational institutions will not be abandoned until and unless we lose this religious faith in human brotherhood.

This religious faith is accompanied, as all religious faiths are, by superstition, hypocrisy, and skepticism. There is an American superstition that because there is a latent capacity for self-government in every man which can be developed, therefore every man has an inherent and inalienable right to take part in governing other men. These superstitious souls we call doctrinaires. There is a hypocritical false pretense, loudly professed by certain politicians who proclaim their faith in democracy and ostensibly accord to the multitude the forms of self-government while they cunningly contrive to take away the reality. These hypocrites we call bosses. And there are skeptics who, more or less consciously, disbelieve in the capacity of men for self-government and more or less frankly

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avow that disbelief. If you, young men, are going out into American life to establish self-government in politics, in industry, in social relations, you must reckon with these three foes to the fundamental postulate of the American Republic.

The answer to the doctrinaire is very simple. The right of a man to govern himself does not involve his right to take part in the government of his neighbor. Universal suffrage is not a logical deduction from the right of self-government. When the immigrant lands on these shores, before he has been naturalized, he has the right to govern himself in all those things which concern directly and immediately and exclusively his own interests; but this gives him no right to take part in the government of the commonwealth. The students at Yale University have a very large amount of self-government, and practically absolute right of self-government in respect to all those things which concern exclusively their own individual interests; but this does not give them a right to take part in the election of the President, the Faculty, or the Board of Trustees, or in framing the rules for the government of the University. A community is like a Club. When a man comes into a Club, he comes in subject to the

rules that already exist in that Club, and it is for those who are already members of it to determine on what conditions new members shall be admitted. When he comes into a community, whether by birth or by immigration, he comes in upon the same conditions. The right to vote is a right to help govern some one else, and this is not a natural right; it is a prerogative to be conferred by the community in which it is to be exercised.

The answer to the hypocrites, who loudly shout the advantage of democracy and skilfully contrive an oligarchy, is simply exposure of their false pretense. They pretend to believe in free elections; but they stuff ballot boxes with fraudulent votes, drive peaceful voters from the polls by threats or violence, import repeaters in the doubtful districts, bribe voters, sometimes directly and sometimes indirectly, or, with greater sagacity, in secret conclave, determine who the candidate shall be and leave the voter only to choose between the candidates which have been selected for him by opposing parties. Whether by these or any other methods, the professional politicians — those whom Crothers has called “politicasters” — endeavor not to ascertain the popular will, but to make it subservient to

their own. They are hypocrites, and their false pretense is not to be answered, but to be exposed.

Those who do not believe in self-government, who believe that the few must rule the many because the few are wise and the many are foolish, have a right to their opinion. All that we, who do believe in self-government, may ask of them is that they express their opinion frankly without fear of popular hostility, and give those of us who believe in self-government the opportunity to discuss the question afresh as from the foundation. I shall not discuss this question in these lectures. I assume as true, as the foundation of the American Republic, the latent capacity of every man to govern himself, and therefore the right of every man to education in the art of self-government and to the exercise of self-government as the result of such education. Basing all that I say to you in these lectures on this assumption, I simply attempt to indicate some of the problems involved in the endeavor to perfect a social, industrial, and political order on this American foundation. The American foundation is, first, the right of every man to take care of his own interests and manage his own affairs; second, the right of every local community to take care of those

interests and manage those affairs which are peculiar to the locality; third, the right of every State to take care of the interests and manage the affairs which concern the entire State; and, finally, the right of the Nation, as a whole, to take care of those interests and manage those affairs which concern the Nation as a whole. The principle is easily stated in words. The application of this principle to the complex and ever-changing conditions of the modern American community is very difficult. It is a problem political, industrial, educational, religious. It is the American problem of the twentieth century — therefore your problem, young men, who are to shape the destiny of America in the twentieth century. To solve the problem aright, to create self-governing communities, and to develop in them a life which will make them truly self-governing is to make a self-governing Republic. This is making America.

In the Colonial days self-government was a simple problem because life was simple. The towns were small; the populations largely rural; manufactures few; industry chiefly agriculture. Three or four million people were scattered over a relatively wide extent of territory. And this population was

relatively homogeneous. Save for the African race, which had no part in self-government, and the North American Indians, who lived chiefly beyond the Colonial boundaries, the Colonists were almost exclusively Anglo-Saxon. Under these conditions liberty and independence were synonymous words. Liberty meant little more than the right of the individual to his own life; and law meant little more than protection of that right from violation by his neighbor.

All this has been radically changed in the century and a quarter since the formation of the Union. Independence is a lost word; interdependence has taken its place. Our population is no longer rural; it is increasingly urban. Our industries are no longer chiefly agricultural; we have become a great manufacturing people. The existence of highly organized cities in which the sanitary conditions and ethical habits of every household affect every other household has created new rights and new duties. The existence of highly organized industries in which many thousands of men must co-operate together under a common direction and to a common end calls for a new definition of liberty and requires for it new safeguards. Thus those of

us who believe in self-government have not only to correct the superstitions of the doctrinaires, to expose the false pretenses of the hypocrites, and to meet the unbelief of the skeptics, we have also to find out how we can reconcile the liberty of the individual, that is self-government, with the strength and efficiency of organization. This stated in its simplest form is the problem of the immediate future. I do not in these lectures attempt to solve it. I only attempt to illustrate it.

In the early settlement of this country industrial freedom was easily maintained. Industry was unrestricted and each individual could work when, and where, and how, and as he pleased. This unrestrained freedom of industry was a distinguishing characteristic of the American Republic. It did not exist in the Old World. In Europe men were born into the first, second, third, or fourth class, and in whatever class the man was born, there he was compelled to stay. It was absolutely impossible for a peasant to become a nobleman; it was almost impossible for a peasant to become a merchant or a manufacturer. Toby Veck was born a porter, remained a porter to the end of his days, and handed down portorage to his son as an inher-

itance. An exception of this feature of society in caste was that furnished by the Roman Catholic Church, in which a peasant might, and sometimes did, rise to be a Bishop, Archbishop, Cardinal, or even Pope. In the presence of the altar and the cross hereditary distinctions were abolished.

They were also abolished in the American Colonies: partly by deliberate purpose, partly because of pioneer conditions. Hereditary aristocracy was not a condition which could be imported. In the Colonies, where life depended on efficiency, the efficient man was made the leader and the inefficient man was compelled to be a follower. A certain kind of ability determined political, if not social, rank. The forceful men, whatever their ancestry, went to the front; the unforceful, whatever their ancestry, were retired to the rear. But with the National development and the accompanying organization of industry, new lines have been formed. They are not, at least as yet, hereditary lines. The freight-handler may become a great railway president, the mule-driver on the tow path may become the National President. There are no permanent industrial adjustments. The pot is on the fire, the bottom rises bubbling to the top,

the top sinks to the bottom. Sons of the poor become millionaires; there are sons of millionaires who become tramps. Nevertheless, individual liberty no longer exists in America in the form and to the extent in which it existed in Colonial days. No longer is it true that every man has a free field for his capacity and can work when, and where, and how, and as he will. This freedom is denied to him by organization, and curiously both by organization of capital and by organization of labor. The assumption of political economy in the first half of the nineteenth century is no longer true. That assumption was that liberty was a commodity; the labor market is an open market; the laborer free to sell his commodity to any one who would buy it; the purchaser free to buy the commodity from any one who would sell it. This is no longer true. The open market no longer exists. Says Dr. Francis A. Walker in his volume "The Wages Question":

"What is the single laborer in a cotton-mill? What does his will or wish stand for? The mill itself becomes one vast machine which rolls on in its appointed work, tearing, crushing, or grinding its human, just as relentlessly as it does its other, material. The force of discipline completely subjects the interests and the objects of the individual to the necessities of a great establishment. Whoever fails to keep up, or faints by the way, is relentlessly thrown out.

If the wheel runs for twelve hours in the day, every operative must be in his place from the first to the last revolution. If it runs for thirteen hours or fourteen, he must still be at his post. Personality disappears; even the instinct of self-assertion is lost; apathy soon succeeds to ambition and hopefulness. The laborer can quarrel no more with the foul air of his unventilated factory, burdened with poisons, than he can quarrel with the great wheel that turns below. This helplessness, this subjection to an order which the workman has not established, and cannot in one particular change, becomes more complete in the case of women and children, while the responsibility of the State therefore becomes more direct and urgent. It is on such considerations as these that the economist may, acting under the fullest accountability to strictly economical principles, advocate what Mr. Newmarch calls 'a sound system of interference with the hours of labor.'"

To meet this condition which, whether the capitalists will or no, is destructive of industrial liberty, trade unions have been organized, and out of trade unions the closed shop, and this closed shop as imperiously denies the right of self-government in industry as does capitalistic organizations. The other day a young man called to see me at my office. He brought with him letters of recommendation and endorsement that forbade me from doubting the substantial accuracy of his story. He was a skilled violinist and had in the Old World experience in conducting an orchestra. The orchestra had been disbanded and he had come to America

under the erroneous impression that it was a land of freedom where he had only to prove his ability to get employment. He found the musicians of New York, Philadelphia, Boston organized in musical trade unions. He found himself forbidden to play his violin in any orchestra, even in a theater or a beer garden, unless he belonged to the musical union, and forbidden to belong to the musical union until he had been in this country for six months. His money was spent, he had been turned out of his boarding house, the means for joining the union, a hundred dollars initiation fee, had been expended in maintaining his livelihood during the waiting period. The one thing he knew how to do well he was not permitted to do, and other work he could not get because there was but the one thing he knew how to do well. His right to manage his own affairs, in his own way, was denied to him by the musical union. Dr. Andrew D. White, in his interesting essay on Turgot, gives an account of the trade restrictions imposed by Government in France in the eighteenth century.

“Between 1666 and 1683 Colbert had issued one hundred and forty-nine different decrees regarding various trades; from 1550 to 1776, over two hundred and twenty-five years, there was dragging through the courts and the cabinets of

the ministry the great struggle between the tailors and the clothes-menders, the main question being as to what constitutes a new and what an old coat, — the tailors being allowed to work only upon new clothing and the menders upon old. From 1578 to 1767, close upon two hundred years, the shoemakers and cobblers had been in perpetual lawsuits regarding the definition of an old boot, — the regulation being in force that shoemakers were allowed to deal only with new boots and cobblers with old. Similar disputes occurred between the roasters and the cooks as to which should have the exclusive right to cook geese, and which to cook smaller fowls; which the right to cook poultry, and which the right to cook game; which the right to sell simply cooked meats, and which to sell meats prepared with sauces. Besides these were endless squabbles between sellers of dry goods, clothiers, and hatters: wonderful were the arguments as to the number of gloves or hats which certain merchants might expose for sale at one time.”<sup>1</sup>

The closed shop renews these regulations and restrictions. The difference — and it is a material difference — is this: The old restrictions were imposed upon the people in the interests of aristocracy; the new restrictions are imposed by democracy in the avowed interest of the people. But when all that can be said in favor of the closed shop has been said, it still remains true that the closed shop is a denial of the individual right of self-government; it still remains true that it is an attempt to cure one form of despotism by substituting

<sup>1</sup> *Seven Great Statesmen*, p. 216.

another form of despotism. One American problem that lies before the on-coming generation is such a reconstruction of organized industry as will secure the efficiency of organization on the one hand with the liberty of the individual on the other. It is indeed a difficult problem, but I do not believe that it is an insoluble one. The solution will not be found in any one panacea; it will not be found for a self-governing community in any scheme which denies self-government; it will not be found in any form of such socialism which makes all men wage earners and the State the one employer and thus substitutes a political co-industrial autocracy for a capitalistic political autocracy. It will be found in a broader industrial education, in a better distribution of wealth, and a still further equalization of the financial burdens of government through some just and equal systems of taxation. It will be found, to state the principle in a sentence, in an industrial democracy which abolishes the distinction between capitalists and laborers by developing a state of society in which all workingmen will have an opportunity to have some share in the National capital and all capitalists will be compelled to take some share in the work.

The right of local self-government is the right of the local community to govern itself without interference from any other community in respect to all those things which concern its own interests; to manage without interference from another community all its own affairs. Indeed, it might be said that self-government is only an euphemistic phrase for "mind your own business." The only difficulty is, and it is a serious one, to determine what is the business of the local community and what business it shares with the larger organization of which it is a part.

This is the political aspect of our municipal problem. Frederic Harrison has graphically described the ancient, the medieval, the modern, and the ideal city. A single paragraph, pictorially describing London, may serve to put before us the modern city in its worser, though not its worst, aspects. For in this paragraph Mr. Harrison speaks neither of the ignorance, the pauperism, the vice, nor the unsanitary conditions which characterize the modern city:

"The monstrous, oppressive, paralysing bulk of modern London is becoming one of the great diseases of English civilization. It is a national calamity that one-sixth of the entire population of England are, as Londoners, cut off at once both from country life and from city life; for those

who dwell in the vast suburbs of London are cut off from city life in any true sense. A country covered with houses is not a city. Four or five millions of people herded together do not make a body of fellow-citizens. A mass of streets so endless that it is hardly possible on foot to get out of them into the open in a long day's tramp — streets so monotonous that, but for the names on the street corner, they can hardly be distinguished one from the other — with suburbs so unorganized and mechanical that there is nothing to recall the dignity and power of a great city — with a population so movable and so unsociable that they are unknown to each other by sight or name, have no interest in each other's lives, cannot be induced to act in common, have no common sympathies, enjoyments, or pride, who are perpetually hurrying each his own way to catch his own train, omnibus, or tram-car, eager to do a good day's business on the cheapest terms, and then get to some distant home to a meal or to rest. That is not life, nor is it society. These huge barracks are not cities. Nor can an organic body of citizens be made out of four millions of human creatures individually grinding out a monotonous existence."

Mr. Harrison's description of London may serve as a description of New York, or Chicago, and, in lesser measure, of almost any one of the larger cities in the United States. To transform this modern city into an ideal city, as Mr. Harrison describes it, is one of your problems. To create a current from the overcrowded city to the freer, healthier air of the country, to promote in the country a better social life, to transfer to rural districts more of our factories which now for economic reasons are

clustered together in towns and cities, to make easier and cheaper the transition from the suburbs to the city, to provide for all citizens in the city air, water, and light in unlimited quantity and free to all, to push on to a completion those sanitary provisions which we have only just begun to make, to purify our rivers and prevent them from becoming open sewers, to provide school-gardens, parks, playgrounds, and gymnasium courts free to all and within the reach of all, to furnish all our cities with fountains, as Rome is furnished, with broad avenues sun-lit and air-swept, as Paris is furnished, with museums and art galleries and music halls under conditions making them available for the common people, and to consider questions of architectural taste in the structure of our private and public buildings, as we are just beginning to do, so that our public buildings shall be as much an ornament to the city as the State House at Hartford or at Providence, and our private buildings as much an ornament to the city as the new Pennsylvania station in New York, and all the time to keep the city truly democratic, that is truly self-governing, is a problem that will tax your ingenuity, energy, and patience, but is not beyond the art of man. This evening I

have to consider only the political aspects of this problem. Let me put them before you very briefly:

There resides in the city of New York a population of about four million inhabitants, substantially identical in number with the entire population of the Colonies at the formation of the Constitution. There are, in this city, more Irish than in any city in Ireland, more Germans than in any city in Germany except Berlin, more Jews than were ever to be found in the city of Jerusalem, and, probably, more Italians than are to be found in any city in Italy. In this community the conditions of life are not moral. Had you the power to protect persons and property in such a community that would be no small task; to provide an adequate supply of water, air, and sunlight would be a still more difficult task; to provide some sanitary means of caring for the filth of such a city — that is, to provide proper sewerage — a task of still greater difficulty. But this is not your problem. Your problem is not to provide these things for the city, but to induce the city to provide them for itself. It is not merely to convert the modern city into a city safe, healthful, and beautiful, but to show the city how it can convert itself into a city safe, healthful, and beautiful.

You have to protect the city from contagious diseases — smallpox, diphtheria, scarlet fever, and the like, which are indigenous to our climate, and from yellow fever and cholera, which are easily imported, and to do this or achieve the doing of it without infringing upon the right of the father and mother to determine how the well-being of their own children shall be taken care of; in other words, to preserve the health of the city and keep inviolate the reasonable liberties of the individual. You are to preserve the morals of the city with populations of such widely different ethical traditions and standards, or achieve its healthful morals, and yet keep inviolate the ethical liberties of the individual.

And these are not merely municipal problems. I believe at the present time something like one-fourth of the population of the United States lies in cities of over eight thousand inhabitants. If these cities cannot find a form of government which is truly democratic, then America cannot maintain the form of government which is truly democratic. It will be impossible for it to carry on in this country two systems of government side by side. The problem is not, How shall our cities be formed; it is, How can our cities be made self-governing. For

either they must be self-governing or our country will not be self-governed. There is no problem which confronts America to-day more vital to the National well-being than the problem how to organize and maintain great city populations upon a self-governing basis. This is the second great American problem which confronts the young men of the present day. Your fathers, from their experience, may throw some light upon it, but the solution of the problem lies in your hands and depends upon your ability and fidelity. There are, however, four fundamental principles to which I believe you must adhere if you will make our cities American in spirit and government as well as in name.

First, the cities should frame their own Charters. At present it is the American custom for the Legislature to frame the Charter and impose it on the city. This is not self-government. It is no more self-government than it would be for the American Congress to frame the State Constitution and impose it on the States. It is no more self-government than it was for the British crown to frame the Charters of the American Colonies and impose them on the Colonies. If the four millions of American people, scattered from Maine to Georgia, were

competent to frame the Constitution of the United States, the four millions of people compacted in the city of New York are competent to frame the Constitution for that city. It is true that such a Charter must be consonant with the Constitution and laws of the State to which the city belongs. It is no less true that the Constitution of the State must be consonant with the laws of the Federal Government. The limitations are in no essential different in the one case than the limitations in the other. Self-government necessarily involves the right of the self-governed to frame their own organic law. It is said that the heterogeneous population crowded together in abnormal conditions in New York are not competent for such a task. I reply that they know their own conditions, their own needs, and their own capabilities better than they are understood by the rural populations throughout the State. All that the rural populations are competent to do is to determine whether the Charter is inconsistent with the interests and welfare of the larger community; all that the population of the State has a right to do is to insist that the organic law of the city shall not violate the rights or disregard the welfare of the larger community.

The second principle is that the power which makes law should enforce law. Resolving is not governing. The fact that a man makes excellent resolutions does not prove that he is excellently governed. Government is not only the making of resolutions but the enforcing of them. Therefore the power that makes the resolution should enforce the resolution or self-government is lacking. If a father commands his children, or a teacher his pupils, and then leaves them to enforce the command themselves, he does not govern them. He must enforce the law which he announces or government is lacking. This fundamental principle, which needs no other evidence than the statement of it, has been habitually set at nought in our municipal governments. The people of New York State, for example, make a law forbidding the sale of liquor on Sunday and leave the people of New York City to enforce that law. It is not a self-made law, and in the simple fact that one government makes the law and another government is left to enforce it is the secret not only of our unenforced Sunday liquor law, but of all the police graft and corruption which has grown out of that non-enforcement. Either the State should leave the people of the city to determine for

themselves what shall be their excise regulations and enforce the regulations which they make, or the people of the State should by a State Constabulary enforce the laws which the people of the State have imposed on the people of the city. Allowing one set of people to make the law and expecting another set of people to enforce the law is not self-government, and this method, common as it is in America, always works ill when the people of the local community do not in fact heartily agree with the people of the larger community in the law which has been enacted.

The third general principle is the application to ethical opinions and practises of the same fundamental principle of liberty which our fathers applied to ecclesiastical opinions and practises.

Our city populations are not only diverse in race, language, nativity, and religious faith, but also in ethical ideals. There are some who are quite clear that alcohol is always a poison and that to drink alcohol is a vice. There are others who agree with the German woman in Pennsylvania who is reported to have said: "I am told that there are good people who do not drink beer; but for my part I cannot understand how any one can be a Christian and

refuse so good a gift of God as beer." There are some to whom the Sabbath is a sacred day instituted by Moses on Mount Sinai, confirmed and given a new and more sacred significance by Christ's resurrection from the dead, and who in theory hold more or less consistently to the Puritan theory respecting the nature of its obligation and observance, as that theory is stated in the Westminster Confession of Faith. The whole time is to be taken up in the public and private exercises of worship and in the duties of necessity and mercy.<sup>1</sup> To convert this holy day into a holiday seems to such persons a sin by no means to be tolerated. There are others to whom neither the words of Moses nor the resurrection of Jesus Christ are an authority, and who believe in no other sanction for the Sabbath than that of the Legislature making it a legal holiday, and no other observance of the Sabbath than exemption from daily work, and who think a Puritan Sabbath is a monstrous imposition of ecclesiastical tyranny. And there are still others who combine the two opinions who would make the Sabbath both a holy day and a holiday; would go to church in the morning and to the beer garden or the picture gallery in the after-

<sup>1</sup> *West. Conf. of Faith*, Ch. XXI, § VIII.

noon. How shall a people holding these irreconcilable opinions live harmoniously together?

It is sometimes said that this is a Christian country and that the Sabbath is a Christian institution, and that immigrants coming to this country should accept the Sabbath; if they do not wish to accept it they should not come. Whatever else may be said of this proposed solution of the Sabbath question, it is clear that it is not self-government. Submission by one section in the community to the ethical ideals of another section in the community is the reverse of self-government. The time was when good men were quite sure that religious conformity was essential to social and political peace. Conformity in ecclesiastical opinions and practises was the watchword. If Roman Catholics lived in a Protestant community they must conform to Protestantism; if Protestants lived in a Roman Catholic community they must conform to Roman Catholicism. To William of Orange more than to any other one man is the credit due of discovering the principle of religious liberty; the truth that men can live together in peace and harmony, though they differ in their theological opinions and in their religious observances. It is for the twentieth

century to apply the same principle to ethical differences. The Roman Catholic has a right to demand that the Protestant shall not desecrate the Roman Catholic church and break the Roman Catholic images; the Protestant has a right to demand that the Roman Catholic shall not disturb the worship of the Protestant chapel by processions marching by its door. So the Puritan has a right to demand that the holiday makers shall not despoil his holy day of its rest; and the holiday maker has a right to demand that the Puritan shall not shut the doors of the library, the museum, and the picture gallery in his face on the Sabbath. The total abstainer has a right to demand that the saloon shall not be maintained as a public nuisance; and the German beer drinker has a right to demand that he shall not be banished to the milk dairy and the soda water fountain. Is it right to walk, ride, boat, golf, play ball on the Sabbath? It is right for every man to determine that question for himself and for the community only to see that the game shall not despoil the Puritan of his worship and his rest. Is it right to drink wine and beer? It is right for each individual to decide that question for himself and for the community to put such regulations

on the sale of wine and beer, and only such, as are necessary to prevent popular excesses and public disorder. In brief, in a community in which religious ideals differ, religious non-conformity, with protection of the common rights of all, has been found to be the solution. In a community in which ethical ideals differ, ethical non-conformity, with protection of the common rights of all, will be found the solution. It is the only solution *possible* in a self-governing community.

The fourth general principle is more difficult to state. Indeed, I must be content here to point out the error in the principle on which our city governments have been organized without attempting to point out, except in a very general way, the principle which should be substituted.

Our cities have been organized on the model of our Federal and State governments. As we have States represented in the Senate and Districts of the State represented in the House of Representatives, so in our cities we have had the separate Wards represented by aldermen locally elected presumably to represent local interests. It is true that the interests of the States are different and require different representation in the National

Congress; it is also true that the different sections of the State have, to a less extent, different interests and require different representation in the Legislative Assembly, but it is not true that the different Wards in a city have different interests. The interests of the city are one. The city is a unit. If there is any difference it is a difference in classes, not in localities. For this reason the representative method pursued in the Congress of the United States and in the legislative body of the State ought not to be pursued in the structure of the city. But there is another reason. The function of Congress is legislative, not administrative; the function of the Legislature is legislative, not administrative; but there is very little call for legislative enactment in the city. The main work of the city government is administrative, not legislative. The great questions before the Congress are such as these: Shall we have a protective system, or tariff for revenue only? Shall we have the railways regulated by National law or left to be regulated by private enterprise and competition? Shall we turn over the public properties of the Nation to the States for administration, or shall we keep them under the administration of the Federal Government? But

the great questions in the city of New York are entirely different in character. The city of New York has to spend every year millions of dollars. How can that money be best expended, with the least waste, and with the greatest public benefit? What regulations will preserve the health of the city? What regulations will protect it from fire? What regulations will guard it from mob violence? What regulations from thieves and burglars? Primarily these are questions of regulation and administration, not of legislation. The functions of the city government are far more analogous to those of the Interstate Commerce Commissions than to those of the Senate and House of Representatives. The experience of our great corporations points out the method by which common interests are best administered for the common welfare; namely, by the election by all those interested of a comparatively small body of directors in whose hands the administration is reposed. The experience of private enterprise points to what is known as the Commission form of government of our municipalities. That is to say, to an administrative rather than a legislative form of government. To put it in another form, the problem in Congress and

in the State Legislative Assembly is *What* to do; the problem in the city government is *How* to do it? The problem in the Federal government is to secure just and equal representation of varied interests; the problem in the State government is, in a less degree, to secure the just and equal representation of varied interests; the problem in the city is to secure efficient and capable administration of a common interest.

The growth of a Republic from thirteen States lying along the western shore of the Atlantic Ocean to forty-six States overspreading the greater part of a continent and the growth of its population from four million to eighty million has added somewhat to the problem of self-government in the Nation. The growth in heterogeneity of population, in organization of industry, in concentration of wealth, and in complexity of life has done much more to make that problem difficult of solution. The relation between the State and the National government can be very easily stated in words; but it is not so easy to work it out in actual National life. A Federal system is a union of sovereignties in one sovereignty. In its own domain the State is sovereign; in the National domain the Nation is

sovereign. The one is not more sovereign than the other. The problem is to define the respective domains. Briefly stated it may be defined thus: The people of the State are sovereign in all those matters which concern primarily and essentially the State; the people of the Nation are sovereign in all those matters which concern the vital interests of the entire Nation. It is as essential to self-government that the people of the Nation should control all those interests which concern the entire people of the Nation as it is that the people of the State should control those interests which concern only the people of the State. It is as inconsistent with self-government to deny the right of the National government to manage the affairs which concern the people of the Nation as it is to deny to the State government the right to manage the affairs which concern the people of the State. Yet both rights are denied in the name of liberty.

In several of our States there is to be seen an increasing tendency to substitute pure democracy for representative government. The Initiative gives the voters the right to call for the submission of any laws which a certain portion of citizens desire considered to popular vote; the Referendum gives

a similar right to refer any legislation actually proposed to popular judgment; and the Recall gives the constituency of an elected officer the right to retire him at its will. These proposals are evidently in theory consistent with self-government. Whether they will in fact promote it is one of the problems which the twentieth century has yet to decide. In brief it may be stated to be the question whether town-meeting methods are adapted to the government of the State comprising in some instances a territory and a population equal to those of some independent nationalities of considerable size. But these proposals have led to another which indicates how far some reformers are inclined to go, if not in eliminating State lines, at least in greatly reducing State functions and minimizing State sovereignty. Mr. Herbert Croly, in his interesting and suggestive volume entitled "The Promise of American Life," after dwelling on the failures of our State governments, which I think he somewhat exaggerates, and on the tendency to reduce the power of the State Legislature and substitute direct appeal to the people, proposes to abolish the State Legislatures altogether and substitute an administrative government by a small elective commission. That I may

not be thought to misinterpret him I quote his proposal in his own words.

"The function of the representative body, needed under a system of direct legislation, is substantially that of a legislative and administrative council or commission. It should be an experienced body of legal, administrative, and financial experts, comparatively limited in numbers, and selected in a manner to make them solicitous of the interests of the whole state. They should be elected, consequently, from comparatively large districts, or, if possible, by the electorate of the whole state under some system of cumulative voting. The work of such a council would not be in any real sense legislative; and its creation would simply constitute a candid recognition of the plain fact that our existing legislatures, either with or without the referendum, no longer perform a responsible legislative function. It would be tantamount to a scientific organization of the legislative committees, which at the present time exercise an efficient control over the so-called legislative output. This council would mediate between the governor, who administered the laws, and the people, who enacted them. It would constitute a check upon the governor, and would in turn be checked by him; while it would act in relation to the people as a sort of technical advisory commission, with the duty of preparing legislation for popular enactment or rejection."<sup>1</sup>

But if there are some students of American life who are ready to reduce the States to administrative departments of the National government, others are equally ready to confer upon them National or *quasi* National functions. To convene the Gover-

<sup>1</sup> *The Promise of American Life*, pp. 329, 330.

nors of the States for mutual conference, in order to produce a better understanding between the States and to secure a greater degree of uniformity on matters lying wholly within the jurisdiction of the States, and to give promise of more united action by the Nation on National affairs, was an excellent scheme. But to propose, as was seriously done, that the care of Federal properties within the States should be turned over to this body, was equally inconsistent with the principles of self-government, the power and functions of the Governors, and the traditions of the Fathers. It was inconsistent with self-government, for the Governors are not elected by the Nation nor intrusted by their own State constituencies with any share in the conduct of National affairs; it was inconsistent with the power and functions of the Governors, because they have no legislative power within their respective States, and the care of the National properties would necessarily depend on legislative action; and it was inconsistent with the traditions of the Fathers, who never contemplated such a fifth wheel to the coach of State.

A more important inconsistency with the principle of self-government in a Federal system — the

principle, that is, that the State shall govern itself concerning the affairs of the State and the Nation shall govern itself concerning the affairs of the Nation — is the practise in American elections of voting upon National issues. Thus, in the recent elections in New York State (and I do not think that New York State was peculiar in this respect) the Republican party adopted a plank strongly endorsing the Payne-Aldrich Tariff bill, and the Democrats urged the voters to vote against the Republican party as a means of expressing the condemnation of the Payne-Aldrich Tariff bill. Of course the Tariff bill was not before the people of the State of New York. The Governor and the heads of Departments whom they were to elect had no more power to modify the Payne-Aldrich Tariff bill than they had to change the Constitution of the British House of Lords. It is true that at the same election they voted for representatives to Congress who could change the Payne-Aldrich Tariff bill. It is also true that they voted for members of a State Legislature who were intrusted with the duty of electing a United States Senator who could vote on the proposition to change the Payne-Aldrich Tariff bill. But it is very clear that it

would be quite possible for voters to vote for the Governor and heads of Departments nominated by one party and for Representatives of Congress nominated by another party, and it is also clear that if directly the people of the State select the United States senators instead of leaving them to be selected by the legislative body, it will be quite possible for them to elect a United States senator of one party and a legislative body of the other. Indeed, this recently has been done in the State of Oregon. The result of injecting Federal questions into State elections has been to lead the people to disregard State issues and practically to turn over their determination to a body of men elected very largely without regard to State issues. The remedy for whatever failure there has been in State government is not to abandon State government or convert it into an administrative council of the province of the National government. It is to re-establish the half obliterated lines of demarcation between the State and the Nation, separate in popular judgment the State from the National issues, and make it possible for the same voter to vote in a double capacity on the double questions submitted to him, to vote as a citizen of the State

on State issues, and as a citizen of the Nation on National issues.

As I have said, self-government as truly involves the participation of all the people of the Nation in determining National affairs as it involves the participation of only the people of the State in determining State affairs. As National interests have increased in number and complexity, the power of the National government has increased both in the number of subjects with which it has concerned itself and in the efficiency with which it has dealt with them. This increase of power in the Federal government, both in extent and in efficiency, has not been perilous to liberty. On the contrary, it has been an extension of liberty: it has not threatened self-government; on the contrary, it has extended self-government. This extension of the powers of self-government can be readily traced in the history of the Nation from the period preceding the formation of the Constitution to the present day. "It is as clear to me as A. B. C.," says Washington, who, from the time of his retirement at Mount Vernon, watched the course of affairs with the utmost anxiety, "that an extension of Federal powers would make us one of the most happy,

wealthy, respectable and powerful Nations that ever inhabited the terrestrial globe. Without it we shall soon be everything that is directly the reverse." This statement, which I quote from the interesting address of Joseph H. Choate on Alexander Hamilton,<sup>1</sup> has received abundant illustration in the Constitutional history of the United States. Every new extension of the Federal powers has been resisted by those who have dreaded centralization, acquiesced in with substantial unanimity when adopted, and unquestionably approved when the actual result had been put in operation. The formation of the Constitution itself took place despite the jealousies of some States and the fears of others. The establishment of the Union did not allay those fears, nor put an end to that jealousy. Half a century after the formation of the Union, Calhoun claimed that the Federal government had only the power conferred upon it by the Constitution; that each State had the right to determine whether those Constitutional powers had been exceeded, and therefore had a right to refuse obedience to any act of Congress which it deemed inconsistent. Twenty-five years later, Jefferson Davis claimed that this

<sup>1</sup> *Abraham Lincoln and Other Addresses*, p. 106.

Union was a Union of sovereign States, voluntary in its nature, and therefore if any State found itself displeased with the Union, it might withdraw; that no power was given to the Federal government to coerce it. The right of the Federal government to exclude slavery from its territories was denied because no such right was explicitly offered by the Constitution, and this attempted extension of Federal powers over the territories led to the Civil War. Up to the Civil War, banking had been conducted by State banks and under State regulation. In 1862 Abraham Lincoln proposed an extension of the Federal government over the banking and the creation of a National currency which, being uniform in appearance and security and convertible always into coin, would at once protect labor against the evils of a vicious currency and facilitate commerce by cheap and safe exchanges. As late as 1846 President Polk vetoed a bill making appropriation for internal improvements because, in his judgment, the Constitution had not conferred upon the Federal government power to make such improvements. Perhaps the most important speech that Abraham Lincoln made, in his brief Congressional career, was his speech advocating the

extension of the Federal powers over National improvements. Not until nearly a century after the formation of the Constitution was any attempt made by Congress to use the Federal powers given to it by the Constitution to regulate the National highways; as late as 1883 President Arthur, in his Message to Congress, treated the powers of the Congress over the railways as a question requiring careful consideration; and not until 1887 was an Interstate Commerce constituted, and then with very scanty powers. The right of the Federal government to acquire and incorporate in the United States additional territory was hotly disputed at the time of the Louisiana Purchase, and the right to acquire and govern provinces not a part of the United States territory was not established until the end of the Spanish War. The same fears which are aroused, and the same arguments which are presented against the use of the Federal power to safeguard in the public interest the mines, forests, arid and swamp lands and water power sites, were aroused by and presented against the successive propositions to form a Union of the States, to compel a recalcitrant State to yield obedience to Federal enactment, to prevent a seceding State from leaving

the Union, to deepen our rivers and make available our harbors, to constitute a National currency equally available in all parts of the country, to exercise any National control over the National highways, to increase the territory of the Republic upon the continent, and to exercise its protective sovereignty over territory not upon the continent. If the fears of centralization had prevailed and the opponents of the successive development of our Nationalism could have had their way, the Constitution would never have been accepted by the Colonies and the Federal Union would not have been formed; if formed each State would have been at liberty to decide whether laws enacted by the Congress were Constitutional and to refuse obedience if they disapproved their Constitutionality; if this disapproval had been overruled and any attempt had been made to enforce the law, the State could have withdrawn from the Union and set up as an independent sovereignty on its own account; the attempt to set limits to slavery beyond which it could not have been extended would have failed, and America could have become (what a minority, but a forceful and not always scrupulous minority voted it to become) a slave empire, from the

Lakes to the Gulf and from the Atlantic to the Pacific; all bank-note currency would have remained local, and in traveling through the United States the traveler would have had to purchase gold, or a letter of credit, as in going to Europe; our rivers would have remained undredged and our harbors unimproved except as individual States might attempt some improvements within their own boundaries, and our coast would have resembled that of San Domingo; our railways would have oscillated between a policy of cut-throat combination, ruinous to the stockholders, and a monopolistic combination ruinous to the shippers, and the habit of giving special rates to favored shippers and to favored localities would have built up monopolies from which the people could not have emancipated themselves; the great region west of the Mississippi River from the Gulf Northwest would never have been added to the United States, and would either have remained a wilderness or would have become a rival Republic to our own.

With this extension of Federal powers has gone an extension of the powers of the Executive, also feared by timid souls. The fears have been proved, by history, to be groundless. It is sometimes said

that the Federal government is a government of enumerated powers. This is a mistake. It is not a government of enumerated powers. The powers of the Congress are very carefully enumerated; but the powers of the Executive and the powers of the Judiciary are not enumerated. The clauses of the Constitution respecting these two departments of the Government are expressed in substantially the same words: Article II, Section I. "The Executive power shall be vested in a President of the United States of America." Article III, Section I. "The Judiciary power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Neither the powers of the Executive nor the powers of the judiciary are enumerated. The decisions of the Supreme Court of the United States abundantly sustain the declaration of James Bryce in the "American Commonwealth:" "He [the President] is George III, shorn of a part of his prerogative by an intervention of the Senate in treaties and appointments; of another part by the restriction of his action to Federal affairs, while his dignity, as well as his influence, is diminished by his holding office four years instead of for life." To

the same effect is one of our well known writers on Constitutional Law, Professor Frederic Jesup Stimson in "The American Constitution": "He [the President] generally has the powers of a Constitutional British king, except in so far as those powers are taken from him in other parts of the Constitution and intrusted to other bodies." It has been specifically decided by the Supreme Court that, by Article III, Section I, the entire *judicial* power of the Nation is granted to the courts, and by a parity of reasoning, the entire Executive power of the Nation is granted to the President.<sup>1</sup> With the

<sup>1</sup> See *Kansas vs. Colorado*: 206 U. S. It is no longer open to question that by the Constitution a nation was brought into being, and that that instrument was not merely operative to establish a closer union or league of States. . . . The first article, treating of legislative powers, does not make a general grant of legislative power. It reads, "Article I, § 1. All powers herein granted shall be vested in a Congress." . . . On the other hand, in Article III, which treats of the judicial department — and this is important for our present consideration — we find that Section 1 reads that "the judicial power of the United States shall be vested in one Supreme Court," etc.

Justice Brewer adds:

By this is granted the entire judicial power of the Nation. . . . Speaking generally, it may be observed that the judicial power of a nation extends to all controversies justiciable in their nature, and the parties to which or the property involved in which may be reached by judicial process, and when the judicial power of the United States was vested in the Supreme Court and other courts, all the judicial power which the nation was capable of exercising was vested in those tribunals; and unless there be some limitation expressed in the Constitution, it must be held

increasing growth of the Nation's power this Executive power of the President has grown. He and the Vice-president are the only two officials elected by the Nation as a whole. These two are the only representatives of the Nation as a whole, and the only limits to their political influence are those imposed by their own failure to comprehend the National sentiment and to give expression to it in their official utterances and actions.

The dread of this Executive power is a curious

to embrace all controversies of a justiciable nature arising within the territorial limits of the nation, no matter who may be the parties thereto. . . .

These considerations lead to the proposition that when a legislative power is claimed for the National Government the question is whether that power is one of those granted by the Constitution, either in terms or by necessary implication; whereas, in respect to judicial functions, the question is whether there be any limitations expressed in the Constitution on the general grant of National power.

"It is true that Justice Brewer did not decide anything with reference to the executive power of the Federal Government, but the language of the Federal Constitution granting executive power reads, 'The executive power shall be vested in a President of the United States of America.' The phraseology of this clause is identical with that clause vesting judicial power in the Supreme Court. If Justice Brewer held that language of this character gave broad judicial powers to the Court, and made the Court one of general and not enumerated powers, then the conclusion is irresistible that the same terms and words make the President an executive with powers that are broader than those enumerated — broad enough, in fact, to enable him to conserve the best interests and resources of the Nation." — Wayne C. Williams in the *Outlook*, Vol. 95, pp. 791, 792.

left-over from Colonial days. In the Colonies the Governors were appointed by the King, the legislators were elected by the people. As a result, the people dreaded the Governors and trusted the legislators. The dread has curiously survived, though the reason for it no longer exists. It is true that the President is Commander-in-Chief of a standing army, but the standing army is insignificant in size, and even under an unscrupulous Executive would be easily overmatched by the militia of the States. It is true that he has in theory extensive appointing power and therefore might in theory create a great bureaucracy subject to his will; but this power has not only been limited by Civil Service principles, but also by the custom which has grown up of practically intrusting the nominations to representatives and senators and confining the President's power, except in the case of the most important offices, to the power of ratifying and approving the nominations sent to him. A President, without either a military or a civil force to support his authority, who at the end of four years must submit his administration to the approval of the people of the United States, is not and cannot be a peril to self-government. He is himself

but the instrument and the servant of self-government.

Nor does history confirm the fears of those who dread centralization. The peril to the Nation is not the centripetal, it is centrifugal force; it is not too great, it is too little coherence. In a significant passage, Walter Pater indicates how Greece succumbed to this peril.<sup>1</sup> "It was found," he says, "too incoherent politically to hold its own against Rome:—those evils of Athens, of Greece, came from an exaggerated assertion of the fluxional, flamboyant, centrifugal Ionian element in the Hellenic character. They could be cured only by a counter-assertion of the centripetal Dorian ideal." Mr. Elihu Root in his lecture in this series, pointed out the same fact: "The Greek appeared to be unable to maintain any effective combination beyond the individual city; the idea of a Hellenic country acquired no control over their lives. . . . So Greece, with all its glories of art and literature and oratory, went down before nations of inferior intellectual capacity." What was true of Greece was true of Rome. It perished from lack of coherence; its provinces were not knit together in one organic

<sup>1</sup> Walter Pater: *Plato and Platonism*, p. 238.

whole, nor its populations in one social and industrial whole. Cæsarism followed the wars of Marius and Sulla. England's greatness dates from three great unifying influences in her character: to the reign of Alfred the Great, bringing the separate Anglo-Saxon kingdoms into one nationality; the reign of William the Conqueror, bringing all England under one common law, and the subsequent union of Scotland and England in one kingdom. Italy, while it remained a series of separate jealous provinces, had neither political power nor public influence. It became a Nation when it acquired coherence under the centralizing statesmanship of Cavour. The greatness of the German people may almost be said to have begun with the reign of Frederick the Great; their real greatness as a Nation dates from the successful centralization accomplished under Bismarck.

In the making of America, young men, the danger which confronts you is not the man on horseback, but the mob; it is not centralization, but "an exaggerated assertion of the fluxional, flamboyant, centrifugal" element in the American character. This peril Abraham Lincoln, in 1837, then a young man twenty-eight years of age, foresaw, and in one

of his earliest addresses described. "I hope," he said, "I am over wary; but if I am not, there is something even now of ill omen among us. I mean the increasing disregard for law which pervades the country — the growing disposition to substitute the wild and furious passions in lieu of the sober judgments of courts, and the worse than savage mobs for the executive ministers of justice."<sup>1</sup> Since then another phase of lawlessness has arisen, more subtle, more reputable, better disguised, and therefore more perilous to the Republic — the lawlessness of cultivated, educated, wealthy, and honored citizens, not only employing legal skill to show them how to violate the spirit of the law and evade its letter, not only how to escape the penalties of the law when they have violated it, but to aid them not unfrequently in corrupting legislators and administrators, though rarely in corrupting courts. The peril to the Republic is not in a government too strong, but in a government not strong enough to cope with these two serpents that come up out of the sea for its destruction: the mob lawlessness of passion and the organized lawlessness of covetousness.

<sup>1</sup> Complete Works, Vol. I, p. 9. Address before Young Men's Lyceum of Springfield, Illinois.

Your task is to make the Nation stronger and more coherent; to weld these various races and nationalities into one homogeneous people; to find for these various religious faiths one common underlying unifying faith; to develop out of these various traditional moral standards a common National conscience; to inspire a spirit of mutual respect which is the foundation of social self-government; and so to develop out of this heterogeneous population, and in this as yet half-formed country, a true coherent, enduring, strong Nationality.

The greatness of this problem, its complexity, the difficulties to be overcome, the opposition to be encountered, the experiments to be tried, the disheartening failures that will be inevitable will call for all your courage, your energy, your patience with delay, your faith in the possibilities of your fellowmen and your country. But the difficulties are not insuperable, the opposition is not unconquerable, the ideal is not unattainable. In entering upon this task you may well ever keep in mind two encouragements:

First, consider what self-government has already accomplished for humanity since the election of the first President of the United States under the

Constitution in 1789. In no country in Europe was the aphorism that just Governments exist for the benefit of the governed recognized, not even in Great Britain, which, up to the close of the American Revolution, treated her Colonies as cows to be milked, or sheep to be sheared, for the benefit of the Empire. France was in the beginning of her awful and yet splendid revolution, but outside of France the divine right of kings, the absolute power of autocracy, was almost, if not quite, universally dominant. Society was everywhere divided, to use Macaulay's figure, into the two classes: one booted and spurred to ride, the other saddled and bridled to be ridden. Our memories are short. If they were not, we should recall the frightful condition of the common people in France, which Taine has so graphically described; in Spain, which Henry Charles Lee, in his *History of the Spanish Inquisition*, has portrayed; in Italy, which Gladstone's *Letters* proclaimed to all of Europe; in Austria and Hungary, which Kossuth, coming to this country in 1852, made vivid to Americans; we should not forget the Bastille in France, the Inquisition in Spain, the unspeakable atrocities of King Bomba in Italy, and the cynical statesman-

ship of Metternich in Austria, leaguings the autocratic powers of Europe together in the Holy Alliance to repress freedom of the press in Germany, unity and liberty in Italy, Constitutionalism in Spain. Such were some of the fruits of that autocratic imperialism which Europe had inherited from Pagan Rome. To-day in every land west of Russia the doctrine that governments are for the benefit of the people who are governed is, at least in theory, accepted. Representative assemblies have been, organized not only in all Western Europe, but initiated in Russia, Turkey, and Persia; representation has been established in Japan, and the initial steps toward recognition have been taken in China, India, and the Philippines. In short, there is no civilized country to-day in which there is not a theoretical recognition of the rights of the people and some provision for the representation of those rights by their own chosen delegates. As a fruit of this as yet incomplete self-government, wherever it has been established slavery has been abolished and public systems of education have been organized and rendered fairly efficient. Privileged classes still exist, but they no longer dominate in self-governing communities; their power is a waning

power. Broadly speaking, it may be said that in the eighteenth century the privileged classes constituted the Government and popular rights were in revolt, in the twentieth century popular rights control the Government and the privileged classes are in revolt. Much yet remains to be done to secure on the one hand equality of taxation, on the other hand equality of reward for service rendered. But enough has been accomplished to give assured hope for the future. Frederic Harrison, to whom I turn for vivid and concise description, thus portrays, though by quotation from two travelers in France, one writing in 1789, the other in 1889, a century apart, what self-government has accomplished in the Province of Brittany:

“The poor people’s habitations he [Arthur Young] finds in Brittany to be ‘miserable heaps of dirt.’ There, as so often elsewhere in France, no glass window, scarcely any light; the women furrowed without age by labor. ‘One-third of what I have seen of this province seems uncultivated, and nearly all of it in misery.’ ‘Nothing but privileges and poverty.’ . . . And now, in 1889, turn to these same provinces, to the third generation in descent from these very peasants. ‘The desert that saddened Arthur Young’s eyes,’ writes Miss Betham-Edwards to-day, ‘may now be described as a land of Goshen, overflowing with milk and honey.’ ‘The land was well stocked and cultivated, the people were neatly and appropriately dressed, and the signs of general contentment and well-being delightful to con-



template.' . . . 'Main and Anjou have the appearance of deserts,' writes the traveler of 1789. 'Sunny, light-hearted, dance-loving Anjou' appears to the traveler of 1889 a model of prosperity and happiness. Where he found the peasants living in caves underground, she finds neat homesteads costing more than 6000 francs to build. In Dauphiné, where he finds, in 1789, mountains waste or in a great measure useless, she finds, in 1889, choice vineyards that sell at 25,000 francs per acre."<sup>1</sup>

The Revolution which has transformed modern Europe from autocratic to popular government has not accomplished as striking results in other countries because in other countries the Revolution has not been as radical. But analogous contrasts are to be found wherever self-government in any considerable measure has been initiated. Moral reforms have accompanied political revolution and industrial development. Poverty and wretchedness incited to drunkenness. The possibility of well rewarded industry and thrift have created everywhere a popular temperance movement. War, which autocratic governments made unhesitatingly, because the tragedy of war fell upon the people, is increasingly deprecated and shunned. It is since the advent of democracy that the idea of substituting an appeal to law for an appeal to force has come

<sup>1</sup> *The Meaning of History*, pp. 209-210.



to take practicable shape. Since 1789 scores of International controversies that would before time have led to war have found settlement through International arbitration. In comparison with the achievements of popular government in one short century, the incidental though serious evils, which have accompanied its initiation, are of insignificant proportion. No one who thinks would venture to propose to go back to the autocratic government and privileged orders of the eighteenth century. The only other alternative is to go forward to a completed and perfected system of self-government.

Nor let any one think the ideal of a self-governing Republic is so high, so pure, so noble as to be impracticable. Nobility never makes an ideal impracticable. The realities of achievement have always surpassed the ideals of the dreamers. Stephenson in his wildest flights of imagination never conceived the railroad system of Europe and the United States; Morse never dreamed of the electric communication furnished by the telegraph, the telephone, and the wireless. The mastery of the ocean surpasses the anticipation of the most sanguine inventors; the mastery of the air already

accomplished by the aeroplanes and the dirigibles promises more for the future than any poems or prophecies of the past. Washington and his contemporaries could have had no conception of a Federal Republic overspreading a Continent and exercising a moral leadership not only throughout Europe but in the Orient. Not even the inspired Prophets and Apostles of the New Testament epoch could have dreamed of a time when the cross, an emblem of degradation, would shine on the domes and steeples of unnumbered churches and the name of Christian, given to an insignificant heretical Jewish sect in derision, would be a title of honor throughout the world. The young men shall see visions, and the old men shall dream dreams, and these visions and these dreams are calls to duty and to achievement. There is no dream that I can conjure up, no vision in which you can indulge, that will not seem inadequate and inglorious in contrast with the result of duty well done, service courageously and patiently rendered, and a consequent achievement successfully accomplished.

## INDUSTRIAL RESPONSIBILITIES

THE making of America is something more than a political obligation, because America is something more than a political organization. Government is the product of life, and government is the protector of life. Therefore life is more important than the government which is produced by it and is organized to protect it. To make an American worthy of your inheritance you have to make an industrial, a social, an educational, and a religious as well as a political organization. You have to make an America whose industry is efficient, whose society is harmonious, whose education is vital and practical, whose religion is inspiring, and always to preserve in the individual and in the organism that freedom that is self-government. There is a great deal to be done. Our industry is not efficient. It lacks efficiency not for want of energy, but for want of mutual cooperation. And because of friction our society is not harmonious. It is embittered by race and class antagonisms.

Our education is none too vital, none too practical, and in many respects is too academic. And our religion — at least our religious thinking — is too archaic. What you are to do to make an America whose industry will be efficient, whose society will be harmonious, whose education will be practical, and whose religion will be inspiring and vital and progressive I think comes within the province of these lectures, and to-night I am to speak to you about THE SOCIAL AND INDUSTRIAL AMERICA.

Our industries are carried on by individuals, but our industry is a great co-operative organism. We go to mother nature for the raw material and gather from her the food supplies, the mineral supplies, the lumber supplies, and the like. This raw material is not available for us until by manufacturing processes it is converted into usable material. This material, manufactured and made usable, must be taken from the places where it is in overabundance to the places where it is lacking, or, as we say, to market. Hence the great transportation system to bring the raw material to the places where it is needed. Then it must be distributed through trade and commerce, and for that distribution we must have money and a credit system, and

therefore merchants, banks, and bankers. While we are carrying on this great co-operative industry we must know something about the laws of health, the health of the individual, and the health of the community, and so we must have doctors. We must also understand what is social justice and the right relations between the various members of this community, how they can live together without being wreckers of each other's lives, and therefore we must have lawyers. We must know something about the experience of the past, in order that we may avoid the blunders into which our ancestors fell. Therefore we must have teachers. We want to read the history of what we are doing from day to day. Therefore we must have journalists. We want to have an America that is beautiful, ministering to our love of art. Therefore we must have architects and artists. We must have men who will hold up great ideals of life and truth. Therefore we must have writers and preachers and institutions of religion. Finally there must be homes, where workers will be refreshed for to-morrow's labor and children will be reared to carry to future generations the lamp of life and the lessons of experience, and wives and mothers will be ministering to

life at its very source and preparing for a happy and prosperous society after they have gone to their long rest or their changed activity in an unknown world. Thus regarded society is seen to be as truly a living organism under Democracy as under Monarchy, under a free brotherhood as under State Socialism. Thus we become severally farmers, miners, lumbermen, manufacturers, transporters, merchants, bankers, doctors, lawyers, teachers, journalists, priests, and preachers. No one can say that any one of these functions is less important than any other to a well ordered society. They are all essential. Every man is serving his fellowmen, and he is greatest who renders the greatest service.

I purpose to speak to you to-night about what will be your duty as citizens in these vocations, — not what will be your duty as a farmer or merchant to your customer, or as doctor to your patient, or lawyer to your client; but what as a farmer, manufacturer, transporter, lawyer, journalist, teacher, or preacher is your duty to the State as a State, to the community as a community. What are the responsibilities of your citizenship in that specific vocation to which you devote yourself.

We entered on this continent three hundred years ago in the spirit of a boy who finds himself heir to an immense estate and imagines that he can never exhaust it. We have exhausted the soil by our agricultural methods, thinking, if we thought at all, that when the soil was exhausted we could move on to new lands; we have cut down the forest trees big and little, shaving the hill sides as with a razor in the belief that the more rapidly we could convert the trees into lumber and firewood, the more rapid would be the growth of our wealth; we have sought in coal mining to get the highest priced coal out of the ground at the least possible cost, and have disregarded the comfort and even the lives of the workers and discarded as valueless the less valuable coal; we have called our arid lands the Great American Desert, not knowing that it only lacked water to become a garden of fertility, and when we have discovered this fact, we have allowed the irrigation plants to fall into private hands, and so permitted private capitalists to become land monopolists; we have, thanks to our United States Supreme Court, kept our navigable rivers free for all the people, but our water powers which are as much the gift of God as the navigable rivers we have

given away to any one who had the enterprise and the capital to harness them and set them to work; and we have done what we could to neutralize the public benefit of the Supreme Court decision by allowing the river banks, where alone the products of our commerce could be landed, to become private property. Some of you are going into agriculture, some into lumbering, some into mining. Your first responsibility as an American citizen is to realize the fact that this generation is not an owner in fee of the land. We have only a life estate. And we are under the highest moral obligation so to develop and so to use this estate as not to impoverish our legal heir, the future generations. This is Conservation. Conservation is not merely an economic policy; it is a moral law.

Waste is wickedness. The waste for private profit of National resources is a crime against the Nation. And this crime will not be prevented merely by laws either State or National. The men who are wasting the National resources for immediate gain, who are willing to impoverish the future in their haste to get rich, need to be made intelligent and need to be made moral. It is a mistake to suppose that our country suffers most from the

ignorance and the immorality of the foreigner. It suffers most from the ignorance of men who pride themselves on their intelligence and on the low moral standards of men who would be indignant if their honesty were questioned. It is necessary to protect both by State and by Federal law the public welfare against wicked waste. But it is still more important to create both an economic and a moral intelligence which will at first enforce the law and eventually make its enforcement unnecessary.

Conservation is a moral principle; a just regard to the rights of the future in our use of the natural wealth of the soil: but that involves at least four economic principles.

Says Irving Bacheller: We have put everything on our land except brains. Conservation means enriching our soil with brains. It means scientific farming. It means recognition of the truth that not even Nature will long give us something for nothing. It means that agriculture is a form of manufacturing in which Nature furnishes the force and the farmer, in part at least, the material. It means that we must put into the soil in one form, or allow Nature to do so in a period of rest, what we take out in another form. It means

that honest agriculture is not a process of soil exhaustion.

In forestry Conservation means treating the forest as a crop: as we treat the corn fields or the wheat field. It means either planting a tree for every tree cut down, or cutting down the larger trees and leaving the smaller trees a chance to grow up and take their place. We have game laws which forbid our catching trout or lobsters under a specified size or shooting game out of a specified season. But it is far more important for us to preserve our forests than our fish and our game. We need, not only over the National forests National laws, but over the State forests State laws, which shall give the forest trees protection, as the laws give protection to the game and the fish.

In mining what we take from the soil we cannot put back: and Nature cannot put it back. The gold, the silver, the copper, the coal once taken from the soil never will return. Nor will new deposits come to take their place. Conservation in mining means careful precautions to prevent needless waste and reasonable caution not to mine for the present use more than present needs demand.

Finally Conservation in respect to swamp and

arid lands means converting the barren soil into productive soil by processes of drainage and of irrigation. In irrigation and drainage Conservation converts the useless into the useful. In mining Conservation avoids needless waste. In forestry Conservation allows Nature to restore what man has destroyed. In agriculture Conservation gives with one hand what it takes with the other.

Whether this fourfold process should be undertaken by private enterprise or by government, and if by government whether by the State or by the Nation, or finally by some combination of Nation, State, and private enterprise, I do not here discuss. My object in these lectures is to state your problems, not to solve them. Among your responsibilities as American citizens is the responsibility to hand down to future generations the material wealth of a country which belongs to them no less than to you, unimpaired by your use of it, as far as scientific intelligence will enable you to do so.

Nature gives to us simply a raw material: we by intelligent industry must convert it into usable products. She gives us wheat, not bread; coal, not heat; lumber, not houses; cotton and wool, not clothing; hides, not shoes. To convert this wheat

into bread; this coal through heat into power; this lumber into houses; this cotton and wool into garments; these hides into shoes is manufacture. In our time this process of manufacture is carried on almost wholly by co-operative industry. For the handmill of the ancients we have substituted the flour mills of Minneapolis; for the camp of the North American Indian the house of wood and stone; for the sheepskin thrown over the shoulders the carded, spun and woven wool; for the moccasins cut out by hand the shoes turned out of the factory by the hundred thousand. The industrial problem of the present day, briefly stated, is this: How can this co-operative industry be so organized that it shall be, and shall *seem to be*, just and equal to all who take part in it; how can we put an end to industrial wars and substitute contented and happy workers for those who are now so often sullen and dissatisfied.

In a notable speech made by Mr. George W. Perkins of the firm of John Pierpont Morgan, two or three years ago before the Civic Federation of Labor, he explained to his auditors the principles and methods of profit sharing initiated by the United States Steel Corporation. Whether this

method is the best that could be devised, whether even it works fairly and justly I do not here discuss, though I believe in it. But that the principle which he laid down was both economically and morally sound, I cannot doubt. It was substantially this: We make, he said, no claim of philanthropy in pursuing this method. But we are willing to pay many thousands of dollars to get the most perfect possible mechanical machinery in our plants; and we think it good economy to pay many thousands of dollars for a good human machinery to work with the material machinery. He was evidently right. The science of mechanics reckons all friction as loss and regards no ingenuity wasted which is expended in reducing that friction to a minimum. It is equally an economic principle that all human friction is loss and that no ingenuity is wasted that reduces that human friction to a minimum. And that cannot be done by coercing reluctant labor to odious tasks. That was attempted in this country on a large scale, and with every political and social advantage, in slavery; and it failed. It was attempted in England, at a time when the upper classes absolutely controlled Parliament and endeavored to secure efficient co-operative industry by drastic

legislation forbidding strikes and labor unions; and it failed. It is being attempted on a smaller scale in this country by some organizations of capitalists endeavoring to destroy labor unions and reduce all labor to individual contracts; and it will fail. The age is one of organization. The organization of capitalists and the organization of laborers are alike essential to modern co-operative industry. The methods of labor unions have often been indefensible; but their principle, expressed in the motto "an injury to one is an injury to all and a benefit to one is a benefit to all," is essentially sound both in economics and in morals. The friction which now exists inflicts an enormous economic loss upon American manufacture. It would be easy to cite statistics in illustration, but they would be forgotten as soon as reported and they would probably be questioned or contradicted by some scrupulously accurate scholar. The fact of the friction confronts us in almost every daily paper in its reports of strikes and lockouts and boycotts. It is felt by every manufacturer in every town and village in the country and is reckoned as one of the perils of his business. The danger from it is, I am told, officially recognized in every

important building contract entered into in the city of New York. Sporadic attempts are made to overcome it by profit sharing, by welfare work, by piece work, by the sliding scale. It will never be overcome until the manufacturers frankly recognize the right of laborers to organize, sympathize with them in their organizations, and co-operate with them to make the organizations both strong and rational. It will never be overcome until laborers and capitalists meet on equal terms in a spirit of mutual respect to discuss questions of work and wages; and, when the contract is made, regard their relation to one another as that of co-partners in a common enterprise and having a common interest. It will never be overcome until the principle of self-government which underlies our political institutions is recognized in our industrial institutions, and the spirit of self-government which now in almost all sections of our common country make our elections orderly and peaceful inspires alike the organizations of labor and of capital. Those of you young men who are going into manufacturing have no greater responsibility of citizenship than to eliminate from our industries in America that latent and often expressed hostility between employer and

employed, capitalist and laborer, which is with one exception perhaps the greatest peril which to-day threatens the American Commonwealth as it certainly is the greatest handicap which affects American industries.

If the State may be compared to a person — and the comparison is an old one — then we may say that feeding is the work of the agriculturist, converting the raw material into available tissue, that is digesting, is the work of the manufacturer, and carrying this tissue into the various parts of the body to nourish the muscle, the nerve and the flesh, is the work of transportation. The waterways and the railways are the arterial system of the Nation. We have seen that the two motto words of the Republican are Liberty and Equality. A very important problem before the men of the twentieth century is to make our great transportation systems open to all the people of the United States on equal terms. It is claimed that our railway system furnishes the cheapest and most efficient transportation in the world. Cheapest perhaps it may be; most efficient we may doubt, when we are told that in one year the American railways killed more passengers than were killed in the Russian army in the

battle of Mukden — the greatest battle of modern times. Yet how far this was the fault of the railways and how far the fault of a careless American public may be questioned. If we concede the efficiency and the cheapness, the problem still remains how to make our cheap and efficient railway system just and equal. Fifty years ago the railway was almost universally regarded as private property — like broadcloth or apples — and the public were regarded as purchasers. If the purchaser did not like the commodity or the price he was at liberty to go elsewhere. How under this conception the railways oscillated between cut-throat competition ruinous to the stockholders and monopolistic combination ruinous to the shippers, how under a system of special favor some merchants were ruined and others were enabled to accumulate enormous fortunes, how some towns were converted into prosperous market places and others into deserted villages, need not here be told. The conception of the railway as a mere private enterprise lingers only in the minds of a few belated administrators who have been so long managing the railways as private property that they have had no time to think of public needs or public duties. It

is now generally recognized, even by the Courts, which follow and formulate but rarely or never create public sentiment, that the railways are public highways and the railway corporations are public servants. The principle finds popular recognition in the recently coined phrase Public Service Corporations and in the recently created Public Service Commissions to act in behalf of the public to secure, not primarily cheaper rates, not primarily more efficient service, but primarily a service which is just and equal, that is, which gives to all the public liberty to use the public highways on equal terms.

Our fathers made a marvellous network of railways overspreading the continent. Their energy and enterprise deserve the gratitude of their descendants. Some of them made great fortunes; others of them lost all they had in the perilous venture. All honor to their memories. It is for their sons to apply to this arterial system of the United States, the railways and the waterways, the principle laid down by Paul as that by which the relation between servants and masters should be formed: Servants obey in all things your masters; not with eye service as men pleasers. Masters give unto

your servants that which is just and equal. The public is the master; the railway corporation is the servant. The public has created the corporation; has given to it peculiar power and privilege; has bestowed these powers and privileges in order to secure service to the public; and to that service the public and the whole public is entitled. That all the great railway corporations have always recognized this as their duty no one familiar with the economic history of the United States will claim. The history of the Credit Mobilier in Congress, the history of the railways in my own State of New York, are too well known to need any description here. There are some railway officials who have sometimes disobeyed the law, sometimes defied the law, sometimes corrupted the law at its fountain head. There are more railway officials who have honestly held that the railway industry was a private business, and that their whole duty was ended when they had successfully served their stockholders. But there have also been other railway officials who have consistently and persistently acted on the principle that the railway is a public highway and the railway corporation a public servant. In no academic work on economics and in no anti-railway

journal will this principle be found more clearly stated than it has been stated by William H. Baldwin, late President of the Long Island Railway. "The *first* obligation," he wrote, "of public corporations is loyalty and fidelity to their public trusts." And again, more specifically, "The exact fair cost [of the railway] should be capitalized, and after capital has its proper return and business efficiency maintained, the surplus is to go where it belongs, to the public."<sup>1</sup>

But if the public have a right to complain that their servants have not rendered them fair service, the railways have a right to complain that their masters have not given to them just and equal treatment. A railway passing through half a dozen States has been subjected to half a dozen different and sometimes inconsistent regulations. One State has required their books to be kept by one method, an adjoining State has required a different method. In some instances it has been necessary to keep two or three sets of books. The State without previous knowledge or inquiry has guessed what would be a fair rate to charge passengers and has prescribed it, and sometimes the prescribed rate has changed

<sup>1</sup> John Graham Brooks: *An American Citizen*, pp. 117, 126.

when the train passed the State boundary. The expense of construction and operation, the density of population and consequent shortness of runs, have been ignored. The necessity of maintaining a fund for repairs and improvements has either been not known or carelessly forgotten. Political interference with the railways and interference in politics by the railways have gone on simultaneously; each has been cause and each effect. Thirty-six years ago in the midst of the so-called Granger movement, Mr. William E. Dodge, the founder of this course of lectures, prophetically warned of the danger: "If," said he, "this railroad war is to go on, and the States attempt to enforce laws which destroy the vested rights of those who have advanced their money to build these lines so vital to the country, then these roads must and will become political powers in all sections, and those who now oppress them will in turn become the sufferers."<sup>1</sup> And he urged on business men, as no small part of their duty as citizens, to give this problem their serious consideration. Railway management has been a very puzzling problem to the honest administrator during the last quarter of a century and it is not

<sup>1</sup> *Memorials of W. E. Dodge*, p. 89.

strange if the railway has been sometimes tempted to solve the problem by the short and easy method of corruption, dishonesty, or law evasion.

Nor has our scheme of an Interstate Commerce Commission wholly solved the problem. That Commission is compared to the Supreme Court of the United States. But the difference between the two is radical. The Supreme Court of the United States is an interpreter of existing law. Certain great principles for the regulation of the various relations between citizens of the Republic, called the Common Law, we have inherited from England; these have been modified and supplemented by a century and a quarter of judicial decisions; they have been added to or changed by legislative enactment. The function of the Supreme Court is to apply these principles to the specific cases which may be brought before them by the citizens. But there is no such body of law respecting the railways of the United States. A general law requires them to make their charges just and equal. And a Commission is created to determine what are just and equal charges. The authority of our Courts is consistent with the principle of self-government, for the Courts simply apply to individual instances

the rules which the people have either created or accepted. But there are no rules which the people have either created or accepted which the Interstate Commerce Commission can apply. To solve the railway problem of America in accordance with American principles of liberty and equality the American people must, by their properly constituted authorities, create a body of rules with which they expect their public servants to comply; and their public servants must recognize the truth that "the first obligation of public corporations is loyalty and fidelity to public trusts," and in compliance with that truth, and in the spirit of Mr. William H. Baldwin, must by co-operative action make the highways open on equal terms to the shipping and traveling public, without special privilege to any. That is your railway problem in making the America of the future.

What the railways and steamboats bring to the market trade, commerce, and banking distribute. If agriculture is feeding, manufacture is digesting, and transportation is the arterial system, then commerce is assimilation. If the problem of agriculture is conservation, of manufacture co-operation, of transportation public service, the problem of trade, commerce, and banking is honesty.

This is called a commercial age and the phrase is supposed to be condemnatory. Commerce is an interchange of service; money is a medium of exchange; a commercial age is an age devoted to mutuality of service, and it is of a far higher rank than a military age. The spirit which measures success not by the service rendered but by the money acquired is the reverse of the commercial spirit: it is the gambler's spirit. And this gambler's spirit is the bane of American life. Americans are energetic and enterprising to a fault. The liking to take risks is in their pioneer's blood. But we cannot claim that New York is more honest than London or Paris or Vienna or Rome. The passion to get rich quickly, to make money rapidly, easily degenerates into the desire to get something for nothing, which is always a dishonest desire. It fevers our blood; incites to dishonesties; converts financiers into gamblers; impoverishes some, over enriches others; stimulates high prices; promotes extravagance; forbids rest and leisure, and culture and true literature; vanishes peace; despoils the home. A recent English observer thus reports the complaint of a brilliant American lady, putting what she called the real, urgent woman question in America.<sup>1</sup>

<sup>1</sup> Littell, October 15, 1910.

"Our men," she added passionately, "spoil us with kindness, and yet undervalue us. They are, I'm sure, the best men in the whole world, but somehow in them there must be a particular survival of the barbaric idea that a woman's chief end is to be a beautiful plaything. They come home at night loaded, it may be, with a day's further riches, which are all for us if we like — for diamonds, for a season in Europe, for what will please us. But the bearers of those gifts are so utterly tired out in the winning of them that, after dinner, they can only go to sleep or to a vaudeville play. They bring the gifts, not the glad tidings, by which I mean, oh! that they would come home hours earlier, carrying fewer sheaves in the form of an increased bank balance, but the greater treasure of leisure to sit down beside us, their hands in ours, and talk the world and ourselves over."<sup>1</sup>

We can do something to protect ourselves from the gambler in dice by anti-gambling laws, from the gambler in stocks by laws bringing corporations under government supervision, from the gambler in commerce, by Banking Departments, Insurance Departments and the like. But the only permanent remedy is to transform the gambling spirit into the commercial spirit, the ambition to acquire wealth into the ambition to render service. I cannot better set before you young men the duty of the American citizen in American commerce than by quoting to you again from William E. Dodge:

"Unless there shall be a change in the present ideas of conducting business, and a return to the high-minded and

<sup>1</sup> *The Living Age*, Oct. 15, 1910, *The Personality of America*, p. 140.

steady habits so general fifty years ago; unless industrious, persevering attention to regular business, with moderate annual gains, shall take the place of the more recent notion of making haste to be rich, and running the risks of enormous credits, with a view of jumping into a fortune at once, our city can never attain the position and reputation indispensable to permanent prosperity. . . . Our young men . . . must be ready to meet the peculiar responsibilities just before them, or the vast emigration coming to our shores from all lands, bringing political views widely different from our own, will enable designing men to gain a control that may endanger all we now hold so dear.”<sup>1</sup>

Into the personal duties of the professional men — the duties of the doctor to his patients, the lawyer to his clients, the teacher to his pupils, and the minister to his parish — it does not come within my province to enter in these lectures, but each of these men, by reason of his training and his influence, owes certain peculiar duties to the community as a citizen, and these may be briefly indicated.

We have entered upon an epoch of preventive medicine. We are no longer content to cure the sick, we also endeavor to prevent sickness. We have practically expelled from our country small-pox, yellow fever, and cholera as epidemics, and we have engaged in a hopeful battle against consump-

<sup>1</sup> *Memorials of William E. Dodge*, p. 51.

tion, the bubonic plague, and tropical anaemia. Our object in these campaigns is not merely to alleviate suffering or cure disease, but to put an end to the conditions out of which preventable disease arises. Sanitation and hygiene have come to take a place of equal importance with therapeutics. This work of hygiene and sanitation must, of necessity, be conducted largely by the community. It is a matter of community action, because the unsanitary conditions in one home necessarily produces unsanitary conditions in adjoining homes. It has even been proposed by one radical reformer that doctors shall be employed by the city, or by the State, for the general diseases of the community, leaving a limited number of specialists to deal with special cases as they may arise. Departments of Health are now organized in all our great cities, in most of our towns, and to some extent in the rural communities in our States.

It is the function of the citizen doctor not merely to visit the houses into which he is called as a physician, but to concern himself with the health problems of the community of which he is a member. In the village where I reside, for example, we have introduced a water supply, but not a sewerage

system. The consequence is that our water supply has brought with it a new peril to the health of the community; but because it is a new peril, the community has been oblivious of it. It is only just beginning to come to a consciousness that the substitution of a reservoir and conduit system for private wells necessitates a provision for a public sewerage system in place of private cesspools. But we laymen know very little about this subject. We hardly know that the necessity exists. We hardly know the perils which present conditions produce, and we do not know at all how to remedy those conditions and guard against those perils. It is the duty of the citizen physician, not merely to put his knowledge at the service of the community, but to use his knowledge to awaken the conscience and interest of the community. In a self-governing community the health must be taken care of by the community itself, not by superior officers placed over it. But if, in this self-governing community, the health is to be taken care of by the action of the community itself, it must be inspired to take such action, and it must be guided in that action, by those on whom the individual members of the community are accustomed to rely for coun-

sel on subjects connected with health and disease. To take an illustration on a larger scale: the duty of the doctors of New York is not wholly fulfilled by visiting the houses to which they are called, or even by officiating in the hospitals which are open to them. It is for them to lead in a common campaign against such an epidemic as tuberculosis, against the frightful tragedy inflicted on the community by certain forms of vice, and against the barbarous method which we pursue of pouring the filth of the city into the tidal waters which sweep back and forth along its shores. The medical profession have already taken up this citizen duty with a good degree of earnestness, but, as yet, if I mistake not, only a few are actively engaged in it, and they need recruits. A young man entering the medical profession ought to count this service — the social prevention of disease — as a part of his special duty as a physician in a self-governing community.

In an autocratic or oligarchic community, law is the will of the superior enforced upon the subjects of the Government through penalty. In a self-governing community law is the expressed will of the community. In the deliberations which precede this resolution we all take part; in registering

our judgment on the formation of this resolution we also all take part; but in the nature of the case a great Democracy can only state general principles, it must necessarily leave to experts the formation of its will in special enactment, and the application of its will to special cases. The first function is performed by legislative enactment; the second by court decisions.

It has been sometimes objected that there are too many lawyers in our legislative bodies; and if the legislative bodies determined the will of the people there would be some reason for this complaint; but this is totally to misapprehend the function of a legislative body in a modern self-governing community. The Legislature does not determine what the law shall be, it simply formulates in law the decisions reached by the people in public debate. In a previous lecture I have pointed out how public questions are debated, not merely by the periodical and daily press and by public discussion in political campaign, but also in wholly voluntary Congresses. There are Bankers Congresses to discuss finance, Commercial Congresses to discuss trade, Agricultural Congresses to discuss farming, School Congresses to discuss education, Sociological Congresses to discuss

all manner of social problems, and every kind of moral reform Congress to discuss every variety of moral reform. In these Congresses, and in the larger debates in press and on platform, public opinion is formed and public resolves are reached. In them the best expert judgment of the Nation finds a voice. The results are expressed to the State Legislature or the National Congress, sometimes in formal resolutions, sometimes through informal newspaper reports. By comparing these various reports, aided by correspondence and by lobbies, legitimate and illegitimate, the legislative body learns what public opinion really demands and frames it into laws. It thus stands in somewhat the same relation to the people that a Committee of a Legislative Assembly stands to the Assembly. It is therefore quite right that a majority of the Legislature should be men familiar with law, and with the legal effect of phraseology, and thus able to put in legal form the resolution which the people have reached, but cannot in mass meeting formulate. As a man, having determined how he will leave his property, employs a lawyer to draft a will, so the people having determined on a given course of action employ the Legislature to draft

the necessary measures to carry their determination into effect.

But the will of the community is expressed quite as effectively by decisions of the courts as by acts of legislature, and such expressions are quite as important and far-reaching. The decision of the Supreme Court of the United States, in the early part of the last century, that no State could grant a monopoly of navigating tidal waters within its boundaries to any person, that the navigable waters belong to the people of the whole country and must be forever free, probably has exerted as great and as beneficent an influence on the destinies of the Nation as any single piece of Congressional action, and the influence of Daniel Webster in securing that decision was probably more influential on the destinies of this country than anything he ever did as Secretary of State. The decisions of the courts constitute what the lawyers well call "a body of doctrine," which is modified almost from day to day, and which as truly, though not as directly and immediately, expresses the will of the community as do legislative or executive acts. It is customary, in certain quarters, to sneer at "court-made law"; but it is certain that court-made law is a more

important and probably a more beneficent factor in our National history than legislative-made law. The present tendency is toward biennial, or even triennial, sessions of the Legislature. But no one proposes to diminish thus the sessions of the courts.

A newspaper critic has said that men talk about the written Constitution as though there were any other. There is another, and in its binding force on the American people it is quite as important as the written Constitution. That other is made by the decisions of the Supreme Court and by the usages of the American people. The Supreme Court of the United States decided by a majority of one that an income tax was Constitutional, then one judge changed his mind and the Supreme Court decided that it was unconstitutional. What makes the income tax unconstitutional is the Supreme Court's decision interpreting the written Constitution. Because that judge changed his mind it is unconstitutional. If he had not changed his mind it would be constitutional. Chief Justice Marshall by his decisions interpreting the written Constitution did probably quite as much to make the real Constitution, under which we live, as did Alexander Hamilton or James Madison in the Constitutional

Convention. His decision that the Charter is a contract and cannot be broken by the Legislature, that the navigable waterways are highways that belong to the Nation and no monopoly can be given upon them by the State, that the true and authoritative interpretation of the Constitution is the Supreme Court of the United States, not the individual State, these and similar decisions are as true a part of our present Constitution as any clause written into it by its original organizers. If you wish to know what the Constitution of the United States really is you must have upon your desk such a work as Professor Thayer's "Cases of Constitutional Law"; as, if you wish to know what the criminal code of New York State is, you must have it annotated with the judicial decisions which give it official and authoritative interpretation.

It is not, however, enough to formulate the will of the people in accordance with the essential principles of justice; these principles, as expressed in and by that will, must be applied to the complicated affairs of modern life. That also is the function of the lawyer. He is not the idealist. He is not to formulate his own ideals of justice in law, nor to apply his own ideals to commercial and industrial

life. This is the function of the moral and religious teacher, who is, or always ought to be, an idealist. The lawyer is to take these ideals in so far as they have been accepted by the people, and only so far, and formulate them in laws — that is, in expressions of the popular will — and apply them to the problems of society. It is as great a mistake to attempt to turn a statute into a sermon — that is, to make it represent some ideal of righteousness not yet recognized by the public conscience — as it would be to turn a sermon into a statute — that is, to make it a mere reflection of ideals already recognized and resolved upon by the community. Law must always be imperfect from the idealist's point of view, because it necessarily is, and of right ought to be, not an expression of a moral ideal, but the expression of that ideal which the popular conscience has recognized and the popular will has determined on. And, as between man and man, it is not the expression of absolute justice, and cannot be; it is the expression of that measure of social justice which the existing community in the existing epoch recognizes as right and decrees as law.

For this reason law ought to be mobile and, to a certain extent, fluctuating; it ought to be, pre-

eminently in a Democracy, a progressive science. The traditions of the past embody the experience of the past. From that experience we are to gain wisdom to guide us in the future. But we do not use wisdom to guide us in the future if we impose those traditions on the present without regard to changed circumstances. The essential rights of person and property are always the same, but the measures for the protection of those rights are not always the same. New conditions create both new duties and new crimes. Forgery was impossible until writing became common; embezzlement was not practised until banks and trust companies were created. The greed which takes children from the nursery and sets them to work in the factory and the mine, at the peril of life and limb, was unknown until the factory system came into existence. The right of private contract is a valuable right, but the Supreme Court of the United States has in no recent decision shown greater recognition of modern conditions than in its decision that a State has a right to limit the hours of labor for wives and mothers. The sacredness of the home is not to be sacrificed to the right of private contract. You, young men, who are going into the profession of the

law, if you understand your duties as citizens, will go not merely to conduct legal controversies between contestants, not merely to draw contracts and agreements in order to prevent contests from arising. As citizen lawyers in a free Commonwealth it is your function to express in clear and effective manner the social will of the community and to guide that will toward resolves that are at once noble and practicable of execution. We who are unfamiliar with law—that is, with social justice as formulated in the expressed will of the community—must look to you not merely to study the traditions of the past, not merely to know the legislation of the present, but to comprehend what social justice means, or ought to mean, in a great and growing Republic, and to guide us by your counsel in public debate, in legislative enactment, and in judicial tribunals so that Americans will be continuously approaching in its formulated will to its future improving ideal of the social order.

In this affirmation that law is a mobile and progressive science there is nothing radical or revolutionary. I am only stating to you in concrete and definite terms what has been abundantly stated by scholarly authority in times past. The common

law is not an inflexible rule established by ancient authority to which all modern courts must conform. That is not its origin; that is not its nature. It originates in the custom of a people. When that custom becomes sufficiently established it gets recognition from a judicial tribunal. When it gets that recognition it becomes law. It is made law not by an authoritatively proclaimed edict, but by an authoritative recognition of established custom. Says Sir Henry S. Maine: "It is certain that, in the infancy of mankind, no sort of legislature, not even a distinct author of law, is contemplated or conceived of. Law has scarcely reached the footing of custom; it is rather a habit. It is, to use a French phrase, 'in the air.' The only authoritative statement of right and wrong is a judicial sentence after the facts, not one presupposing a law which has been violated, but one which is breathed for the first time by a higher power into the judge's mind at the moment of adjudication.<sup>1</sup>" It is these decisions of the courts authoritatively interpreting the will of the Nation which saves the individual, as Sir Henry Maine goes on to explain, from what otherwise might be the caprice of a despot, and, we

<sup>1</sup> *Ancient Law*, p. 7.

may add, from the caprice of a democracy, a locality, or a financial oligarchy. A writer in the *Encyclopædia Britannica* gives in a paragraph an account of the way in which the commercial law of England was thus built up by the decisions of a single judge.

"The common law, as it existed before his [Judge Mansfield's] time, was really inadequate to cope with the new cases and customs which arose with the increasing development of commerce. The facts were left with the jury to decide as best they might, and no principle was ever extracted from them which might serve as a guide in subsequent cases. Lord Mansfield found the law in this chaotic state, and left it in a form which was almost equivalent to a code. Working patiently with the Guildhall juries, whom he trained to act in thorough understanding with him, he defined almost every principle that governed commercial transactions in such a manner that his successors had only to apply the rules he had laid down. . . . A similar influence was exerted by him in other branches of the law; and although, after his retirement, a re-action took place, and he was regarded for a while as one who had corrupted the ancient principles of English law, these prejudices passed rapidly away, and the value of his work in bringing the older law in harmony with the needs of modern society has long been fully recognized." <sup>1</sup>

In this paragraph you may see very concisely stated the common law in process of development — I might almost say of creation. But creation in law, as in Nature, is a continuous process. The

<sup>1</sup> Ninth Edition, Vol. XV, Art. Mansfield.

commercial relations and the commercial needs are not the same in America in the twentieth century that they were in England in the eighteenth century. It is for our courts, and therefore for our lawyers, to carry on the work of such judges as Lord Mansfield and Chief Justice Marshall in the same spirit, to see, as they saw, what are the Nation's needs, to understand, as they understood, what is the unexpressed and uninterpreted will of the Nation, and so to formulate and apply the principles of social justice to the intricate relations that exist in human society that their adjudication will be accepted as a true interpretation of the will and purpose, if not the already established habit, of the community. Nor is this work confined to the judges alone. Lord Mansfield in political decisions was the instrument of a Tory court. His chief antagonist was Lord Erskine. In spite of the decisions of the court, Lord Erskine in libel suits wrested from juries verdicts of acquittal, and probably did more than any judge on the court's bench to establish that liberty of the press which is one of our great inheritances from the English law. And he did this because he understood what was the will and the purpose of the English people better than the judge whose

decisions he resisted, and because, in the long run, in any self-governing community the will of the people is superior to the will of Kings or Presidents, Legislators or Courts.

Joseph Mazzini, in his essays on "The Duties of Man," emphasizes a distinction which our American public school system has too often ignored. He says: "Education is addressed to the *moral* faculties; *instruction* to the *intellectual*. The first develops in man the knowledge of his duties; the second makes him capable of fulfilling them. Without *instruction*, *education* would be too often ineffective; without *education*, *instruction* would be a lever lacking a fulcrum. You can read; what does that amount to if you cannot tell which books contain error, which the truth? If you are able by writing to communicate your thoughts to your brothers, what is the use if your thoughts only express egoism? *Instruction*, like riches, can be a source of either good or evil according to the intention with which it is used. Consecrated to the general progress it is a means of civilization and of liberty; used only for personal advantage it becomes a means of tyranny and corruption." Mr. Huxley, in his well known definition of education, has

emphasized the same distinction: "Education is the instruction of the intellect in the laws of Nature, under which name I include not merely things and their forces, but men and their ways; and the fashioning of the affections and of the will into an earnest and loving desire to move in harmony with those laws. For me, education means neither more nor less than this. Anything which professes to call itself education must be tried by this standard, and if it fails to stand the test, I will not call it education, whatever may be the force of authority, or of numbers, upon the other side."<sup>1</sup> And he emphasizes the importance of what Mazzini calls "education" as distinguished from merely intellectual instruction: "But my belief is, that no human being, and no society composed of human beings, ever did, or ever will, come to much, unless their conduct was governed and guided by the love of some ethical ideal. Undoubtedly, your gutter child may be converted by mere intellectual drill into the 'subtlest of all the beasts of the field'; but we know what has become of the original of that description, and there is no need to increase the number of those who

<sup>1</sup> *Science and Education*, p. 83.

imitate him successfully without being aided by the rates.”<sup>1</sup>

How, in this country, are we to combine education with instruction? How are we to add to the instruction of the intellect a “fashioning of the affections and of the will into an earnest and loving desire to move in harmony” with the divine laws? How are we to implant in the children of our public schools a love of some ethical ideal strong enough not only to guide, but also to govern them? There is no problem before the makers of America more important than this; none more fundamental; and it must be confessed that it is a difficult problem. The solution proposed in the early part of the last century, that instruction of the intellect should be left to the schools and education of the moral forces to the churches, has failed, as we might have anticipated that it would fail. The child cannot be divided into water-tight compartments, nor can the development of the child be parcelled out so that the moral culture shall be intrusted to one organization and his intellectual culture to another. Nor has the attempt to find some common faith and spiritual creed upon which men of all religious

<sup>1</sup> *Science and Education*, p. 396.

faiths can unite, and which can be taught out of text books in schools, succeeded thus far any better. A creed so brief and so colorless that no one will object to it will satisfy no one. In truth, religion cannot be *taught* at all. One can teach the Ten Commandments, but teaching the Ten Commandments is not the same as "the fashioning of the affections and of the will into an earnest and loving desire to move in harmony with those laws." And this is the problem which the educators of America have to solve. Nor is this problem peculiar to America. England, France, Spain, Italy are all perplexed by it. Here I only attempt to state it. How shall Jews, Roman Catholics, Protestants, and Agnostics unite to fashion the affections and the will into a desire to move in harmony with divine law, to realize a divine ideal with such clarity of vision and such strength of purpose as shall guide and govern the child? This is a problem which America must set herself to solve, and in its solution she must look, and she has a right to look, to the teachers of America. In their duty as citizens, no duty is more important than this duty of making a truly spiritual education that shall be wholly unsectarian, and in that sense wholly unecclesiastical and untheological.

He that would live usefully in the world needs to know what the world is doing. It is immeasurably more important for us to comprehend what Americans are doing to-day than to comprehend what the Greeks were doing two thousand years ago. The journalist is the historian of the day, the chronicler of the "great round world." He has a three-fold duty: to report events, to interpret events, and to use events as a means to elucidate the great laws of the social order. We have no right to demand of the daily journalist as a reporter that he shall be accurate. The conditions under which the daily journal is prepared make everything like scientific or historical accuracy impossible. But we have a right to demand that he shall aim to tell the truth, the whole truth, and nothing but the truth; that he shall tell no lies to injure an opponent or advance a cause or a party; that he shall tell us the story of the world's crimes and casualties as well as the story of its heroisms and achievements; and that he shall never invite or permit invention to take the place of discovery in his daily history. We have a right to demand that as an interpreter he put the facts of history in due proportion and that he measure events by no mere personal, commercial, ecclesiastical, or

political standards, but always by their relations to the proper welfare of his fellowmen. And we have a right to demand that as a teacher of social and moral law he shall never bring down the ethical ideals to public opinion, but shall always seek to bring up public opinion to the highest and best ethical ideals.

To make America truly prosperous, it is not enough to develop its material resources and distribute them with justice; it is not enough to preserve the physical health, to instruct the intellect, or even to train the conscience. The Greeks used the same word to express beauty and virtue. They were right. Harmony in sound is essential to beauty in music; harmony in form and color to beauty in art; harmony in emotions, will, and intellect to beauty in character. If virtue is a kind of beauty, it is also true that beauty is a kind of virtue. The makers of America have as part of their problem to preserve its natural beauties — its great trees in California, its Niagara Falls, the wooded slopes of its White Mountains. To despoil it of its giant trees, in order to make lumber, to despoil the Niagara River of its world-famed cataract to furnish electric power, to despoil the White Moun-

tains of their forest clothing for firewood or paper, or even timbered houses, is to exchange the higher for the lower, the nobler for the less noble. The country owes a debt of unpayable gratitude to such men as Frederick Law Olmstead and Charles Eliot not only, nor even chiefly, for what they have done in creating parks in, or in the neighborhood of our great cities. It owes them still more for what they have done in awakening in a too sordid American people a dawning sense of the value of natural beauty. I cannot put this matter in words of my own better than it has been presented to me in a private letter by Mr. J. Horace McFarland, the President of the American Civic Association:

"It seems to me that the essence of the matter is in the relation of a beautiful country to patriotism. So far as my reading has gone, I find that despoiled, deforested, eroded, and devastated countries fall apart, not only from lack of resources to sustain a population, but because the population has ceased to have any interest in being sustained. Patriotism is dissipated, seemingly, with the glories of the country. China is a rather notable example of absence of patriotism. Spain is not a fortunate country in respect to patriotism, and she has been badly despoiled. Italy has had a hard time of it, and Italy, which once sustained Hannibal's army, is essentially barren in many parts because the natural beauty has been dissipated, even while a great mass of artificial and commendable beauty has been added."

Nor is it sufficient to preserve the natural beauties

which the God of Nature has given to us. It is for us to see that these natural beauties are not spoiled by incongruous structures. What Henry Ward Beecher said of Peekskill, the Southern gateway of the Highlands of the Hudson, might be said of almost every spot in America of natural beauty which the hand of private enterprises has touched: "Peekskill is beautiful, but I speak of what God has done for it, not what man has done for it. Thanks to the inspirational work of such sculptors as Saint-Gaudens and John Quincy Adams Ward, and to the service rendered by a great corps of architects — some of National, some of local celebrity — we are beginning to do something to redeem our cities from their sordid ugliness. But this redemption will not be complete until the whole people recognize the value of beauty, and every citizen sees to it that his own home, however simple, and his own dooryard, however small, is at least not a blemish in what otherwise is growing to be a beautiful village. It is a mistake to suppose that wealth is necessary to secure pure beauty; and it is an even more egregious mistake to suppose that pure beauty can be secured by wealth alone. Our churches have a lesson first to learn, and then to teach, respecting

the religious value of beauty. The tawdry decorations within, which make one look for a theater curtain where the pulpit stands, and the eclectic combination of incongruous architecture without, which has taken the place of the simple and beautiful colonial architecture of earlier days, are happily beginning to give way in our newly constructed churches to simpler, sincerer, and truer expressions of what the religious life should be.

I have in my library a little book called "The Co-operative Commonwealth," written by a certain radical socialist. What I have tried to put before you to-night, young gentlemen, is this: that we are now living in a co-operative commonwealth. Individualism never will make a true America. It can only be made by co-operation. I have been told a story of a New England elderly maiden who really ought to have been a character in one of Miss Mary E. Wilkins' stories, who whenever she was invited out to tea always left twenty-five cents by her plate so that she would not be beholden to anyone for her meal. It is a fairly good illustration of our American idea of independence; but, gentlemen, we are not independent. It is a fair illustration of our desire to owe nothing to anybody, and,

gentlemen, we all do owe something to somebody. We want to pay our way. No man can pay his way. I came here from New York on an express train. Can I by any possibility pay the men who put their lives, sorrows, struggles, efforts into the evolution of that splendid engine that brought me here? You are here at Yale to get an education. Can you by any possibility pay the men who by their lives of self-sacrifice and by their endowments made your education possible? Can any capitalist who pays twenty thousand dollars for one of Millet's pictures pay for what Millet did when he consecrated his life to poverty that he might not let go of the ideal he was striving to attain? You had coffee for breakfast. Can you pay the Brazilian coffee grower? You had rolls. Can you pay the men who raised the wheat in Canada and ground the flour in one of the Minneapolis mills? You had beefsteak. Can you pay the cowboy and all the others who had a part in furnishing it? Life is an interchange of services. Money is only a medium of exchange. You are going out into life to serve your fellowmen. They will not pay you adequately for your service, if you serve worthily and well. Like the men who by their decisions in law have

made this free America, like the men who endowed this great university, like men in the past, pioneers, discoverers, inventors, reformers, paid often with poverty, derision, and martyrdom, you cannot and you will not be paid. You cannot even look to future posterity and say, "The future shall rise up to call me blessed." They will not even know your name, any more than you know the name of the men who endowed this University, any more than I can remember the name of the man who made surgery painless. But they will rise up and *be* blessed and blessed by you, and that is worth much more than being called blessed. And so you can go into this America of yours resolved that it shall be richer and not poorer because you have lived in it, more harmonious not more discordant, more beautiful not more ugly, more religious not more sordid, more free not more enslaved, more worthy to be called the Republic of God.

## DEPENDENT PEOPLES

I HAVE wholly failed in my purpose if I have not made it clear to you that America is now a co-operative commonwealth; that there is no such thing as individual independence; that we are mutually interdependent; that every man owes a duty to his fellowmen, and that it is only as we recognize these mutual duties and fulfil them with mutual service that we can make a prosperous and happy Nation. We sometimes use the phrase "dependent peoples," or "dependent classes." It is a convenient phrase, but it is far from accurate. We are all dependent. All Americans, rich and poor alike, are dependent on the generosity of others for their education. You are not paying for what Yale University is giving to you. For that education you are dependent on endowments from others, living and dead, who expect from that endowment no other return than the service which you will render, not to them, but to the Nation.

But there are in the community certain classes

which belong to the self-governing co-operative commonwealth and yet receive from the State, rather than directly impart to the State, who give to the State indirectly rather than directly, who are dependent in some peculiar sense on the laws that you will make and the forces that you will exercise in carrying out these laws. It is upon your duty towards those who are thus dependent upon the State for protection and for livelihood that I am to speak.

Heretofore women have been exempted from the burdens and responsibilities of political citizenship. They have been exempted from military duty, from jury duty, and from suffrage duty. There is now a movement, the force of which it is impossible to estimate and the result of which it is perhaps difficult to foretell, to put upon them — or, if you prefer, to assume by them — these responsibilities which they have hitherto not been bearing, to give to them the duty of protecting, though they have hitherto been protected, to make them share with men the obligation of governing — that is, protecting persons and property. I hope that this movement will not succeed. I do not believe that it will be of advantage to the State. I do not think

that we can sufficiently estimate, or that we have sufficiently estimated in the past, the great advantage it is to the community to have a part of the adult population free from the passions and the self-interests of politics and able to exercise their influence for high moral standards in all parties more effectively because they belong to no party themselves. I do not believe it will be an advantage to women. John Stuart Mill, who may be said to be the leader in this movement, or the father of it, declares in one of his letters that there is no characteristic difference between man and woman — none, at all events, except in the lower classes. I do not believe that is true. I do not believe that men are women with trousers, or women are men with skirts. I think there is a difference intellectually, morally, and spiritually. Nor do I believe it is possible for women to enter into the competition of trade and the competition of politics, both of which are in some sense warlike, without losing something of that element which they have contributed in the past to make the civilized community. I do not think they will lose that quality, because even if the doors of political advancement and activity are opened to them, I

believe in the future as in the past, in places in which the doors have been opened to them, comparatively few will enter in. Womanhood will be stronger than politics.

This question, however, I do not undertake to discuss to-night, only I do not wish in this audience to pass by with a seeming evasion of any live question. It is enough for me to say that to-day in forty-one of the forty-six States of this Union women either do not vote at all or vote only in very limited numbers and on very limited subjects. Therefore, young men, it is in some special sense your duty to see that their rights and their interests and their welfare are adequately protected. Whatever the future may have, to-day they do not have the means of protecting themselves. If they are not protected by their fathers, husbands, and brothers there will be no option, there will be no alternative but for them to arm themselves. Whatever the future may have on this subject this much is clear: it is your duty not to furnish an argument for summoning them to political duty by failing to give them the protection to which they are entitled.

Now, there are two great wrongs that are inflicted upon women, and there are two great perils from which women suffer in our civilized society, through which, indeed, they have always suffered in all times: the peril of wrong from greed, and the peril of wrong from human passion. Recently the first of these perils has been demonstrated in an extraordinary degree and by an extraordinary accumulation of evidence. A few years ago the legislature of Oregon passed a law limiting the hours of labor for women, I think to ten hours. That law was resisted by a citizen organization on the ground that it was unconstitutional, that it was a violation of the right of contract, that woman had the right to contract to work as many hours as she liked, and any law that forbade her to work as many hours as she liked violated that right. That question was taken up to the Supreme Court of the United States and it was decided that it was not a violation of the Constitution. Shortly after, some similar law was passed in Illinois, and in that state the lower court decided that it was a violation of the Constitution. That case was also carried up to the Supreme Court of Illinois and the same lawyer presented the same argument that he had presented

before, and that brief of Mr. Louis D. Brandeis' fills a volume of about six hundred pages. The curious thing about it is that it contains no references to legal decisions. It is a mass of testimony from doctors, from physiologists, from sociologists in America, in England, in France, in Germany, in Italy, showing the perils to woman and the perils to the State if she is involved in all the complications and the toils and the burdens of modern factory labor without protection. This factory mother rises at five o'clock, gets breakfast for her family, goes to the factory at half past six, works from seven in the morning until six at night, then goes home again and prepares the supper for her family, so that while the man has worked ten hours a day she works fifteen or sixteen. I am not now giving any theory of my own. I am giving the results of this investigation which has been approved by the Supreme Court of the United States and by the Supreme Court of Illinois. That is the common experience of the factory working woman in civilized communities to-day, and the Supreme Court of the United States and the Supreme Court of Illinois have said this is destructive of the home, destructive of the very foundation of the State, and

it is right for the State in the protection of the State, in the protection of the home, and in the protection of woman herself to forbid that it shall be done.

This prohibition you might think applies only to the mother and the wife, and that it should have no application to the unmarried factory laboring woman, but the evidence brought before the Court has shown that that is not the case. A single typical testimony is all I can find time for in this hurried review:

“Mothers with children from 1 to 10 or 12 years of age frequently come to us wondering why their children are so delicate. Neither of the parents nor any of their forbears are or were delicate, and they cannot see why their children should be. But on inquiry it is found that the mothers worked either in shops, mills, or warehouses under conditions not suitable to sound health; and debility, slight and unnoticed, takes hold of the constitution and it is only after some years of married life that the mischief shows itself in mother and children, and as an unhealthy tree cannot bring forth healthy fruit, no more can unhealthy mothers bring forth healthy children.”

I remind you again that this is not an extract from a newspaper. It is well authenticated testimony of an American scientist, a scientist whose scientific position was confirmed by the highest tribunal in the country, that factory labor under ordinary conditions is destructive not only to wife

and mother but destructive to the home if engaged in by the woman who will become the wife and the mother in the future. No true woman will wish to be an idler; no man, who honors a woman, will wish her to be an idler; but, not only the structure of society and the necessities of the home, but her own constitution, forbid that she should enter into the competitive industries of modern life in our great industrial organizations such as the factory and the mine.

Nor is it any better for her to enter into this competition by manufacturing at home. Dr. Abraham Jacobi, of New York, gave examples, in the recent meeting of the American Association for Study and Prevention of Infant Mortality: "Women working at home," he said, "are worse off even than their sisters in the factory. Their constant treadling of the machine undermines their health; seamstresses develop anæmia, tuberculosis, pelvic diseases. Cigar-makers who work at home develop consumption to the extent of ninety per cent. Such women, living in dirty dwellings, without air or light, bear children that are starved before they are born, infected with hereditary disease, and destined either to perish miserably or more miserably

to populate asylums, hospitals, protectories, or penitentiaries.”<sup>1</sup> We cannot have a healthful and happy America without healthful and happy homes and healthful and happy wives and mothers. A fundamental task in making the America of the future is such a re-creation of our industrial system, and such a regeneration of our public opinion, as will take woman out of those forms of labor which experience has proved to be alike injurious to her, to her children, and to the State.

But if woman’s life is imperilled by the greed of men, her honor as well as her life is imperilled by the passions of men. A few years ago one of our magazines<sup>2</sup> published an article on what I think it called “The White Slave Traffic.” I read that article with distinct unbelief. It seemed so sensational, it seemed so horrible in its details that I could not give credence to it. Since that time official investigations have been conducted by a commission appointed by the United States Congress, and by the grand juries of New York and other cities, and the facts have been established beyond a peradventure. I do not think I have oratorical ambi-

<sup>1</sup> *Outlook*, paragraph “C.”

<sup>2</sup> *Outlook*, Nov. 6, 1909, p. 528.

tions. I did once and I laid them aside long ago. But occasionally I wish I had the power of a painter or a poet. I wish to-night I could put before you the stories well authenticated of the tragedy wrought in human life by masculine passion. A young man engages in this horrible trade. He goes to Europe. He makes the acquaintance of a pretty German girl or Italian girl, or a group of two or three perhaps. He makes love to one of them. In some cases he has been known to marry one of them. He paints pictures of America, your America, my America, and she falls into his hands. He brings her across the ocean, passes her through Ellis Island, lands her in New York and puts her into a house of ill-fame. Once there she is imprisoned. Her clothes are taken from her. She cannot escape. She may be enticed into submission. She may be starved into submission, and in many cases she has been beaten into submission. She knows not where to go for help. Even if she gets out of her prison, she does not know to whom to appeal. Society is not organized to protect her, and there is a very efficient and capable organization to hold her in slavery. For the business of the traffickers in white slaves is thoroughly organized, with affiliated

bodies in many of the principal cities. If a girl escapes, notice is sent to these bodies to recapture her, if possible. If she is recaptured, she pays a penalty for her temerity sufficient to prevent not only her but her companions from repeating the attempt. Three thousand women in a single year have been thus enslaved in New York City, and there is not a city in the Union of any size that is free from the traffic. It is sometimes the girl brought from abroad; it is sometimes the innocent country girl brought from her rural home; it is sometimes the girl who goes to the city to earn her livelihood, now one way, now another, always with the same substantial results.

We must make more efficient laws to protect women from this traffic, and more drastic laws to visit a more condign punishment on those who carry it on. Our courts must be quickened to disregard the technicalities and the delays which prevent prompt detection and prompt penalty. It is because prompt detection and prompt penalty have not been furnished by the courts that the people have often taken the law into their own hands and punished, especially in Southern sections, criminals guilty of the crime against womanhood,

of all crimes the most nefarious. But above all we must create a conscience in men, and a public opinion in the community, which will inflict social penalty on those who furnish the demand which calls for this monstrous supply. We ought to make it impossible for any man to be received into respectable society who has robbed woman of her womanhood. We ought to make it safe for any woman to go unattended at any hour of the day or night in any street of any great city; to go without escort to any concert or theater; and to receive the same unsuspicious welcome at any hotel which is accorded to her brother. If you say, this is impossible, I reply, you will not have made America the country it ought to be, the Republic of God, until you have made it possible, and I put upon you to-night that charge, the protection of womanhood from man's greed and from man's passion.

There are, in the United States, over seventeen million children enrolled in our public schools. These children are, in a peculiar sense, dependent on their seniors for guidance, government, and support. In a true sense, they belong to the State, and the State has responsibilities for them. This is not a mere moral reformer's opinion, it is the

doctrine of the law declared by the highest English authority. Lord Thurlow, at the close of the eighteenth century, Lord Eldon, at the beginning of the nineteenth, both Lord Chancellors of England, took the broad ground that the right of the court to protect a child does not depend upon his property interests; "that," I quote from the summary of his decision given by Bernard Flexner, and reported in the "Annals of the Academy of Political and Social Science," for last July, "the crown is the ultimate parent of the child, and that where the parent by nature has, by misconduct, forfeited his right to have the custody of his child, the king as *parens patriae*, through the Chancellor, will step in and protect the child by removing it from the environment that must make for its undoing." The only king in America is the people. The duty that devolves upon the crown in England devolves upon democracy in America. It is our duty as citizens of the commonwealth to see to it that the children of the commonwealth do not suffer from the ignorance or immorality of their parents. To-day they do suffer from both causes.

The child has a right to life and to the pursuit of happiness, and both rights need to be better

secured in America. At a recent meeting of the American Association for Study and Prevention of Infant Mortality, the statistics presented showed that it is probable that America loses annually upwards of 150,000 children through ignorance, carelessness, and neglect. One chief cause of this needless death list is the failure to provide the infant children with that which is the only entirely safe food — the mother's milk. France, by the systematic encouragement of breast feeding, has greatly reduced this infant mortality. Formerly the man of ninety had a better chance for a week's life than the baby of one day; now, for the first time in decades, French births have exceeded deaths by 21,000. Children are entitled not only to life, but also to childhood; to its freedom, its merriment, its sports, and its opportunity for development into a useful manhood; above all, to home life. And in unnumbered instances of which there are no statistics, these their natural rights are denied them by America.

In the decade ending 1906 the courts in the United States granted twenty-five divorces every hour of the working day. It is not too much to say that the notion which underlies this facility of divorce is the notion that only the happiness of the

husband and wife are to be considered; that if, in the judgment of the court, the husband and wife are not living happily together, a separation is to be decreed; that they owe any duties to the children is scarcely recognized. Certainly it is not recognized that the object of marriage is, primarily, the rearing and training of children, and that their duty to their children is the first and most fundamental consideration. In the theory of the law in the case of such separation, the children are awarded to the guardian who will make the best provision for them, but I believe that it is the increasing custom of certain courts to carry out Solomon's Judgment. They give the children six months to one parent, and six months to the other, as though they were a species of property to be divided between their parents. We have slipped unconsciously into the old Pagan conception of marriage, and it will require long and persistent education to bring us back to the Christian conception of marriage as a Divine order, of the family as the unit of the State, and of the right of the children to the perpetuity of the family.

If the rights of the children are thus disregarded in what we are satirically accustomed to call our

best circles, they are not less flagrantly disregarded in families who cannot afford the luxury of divorce proceedings. In many such families the child is regarded as an economic asset, and is put to work to add to the resources of the household at the earliest possible opportunity. In some cases, where the child has no economic value, it receives scant consideration. There are, in New York City, two or three societies organized to give help to crippled children. These children are taken in an omnibus from their parents' home and carried to the institution where they can receive some medical attention, some common school instruction, and some industrial education. I was told, at one of these institutions, two or three years ago, that it was not uncommon to find a child whose clothing was so constructed that its removal was impracticable without cutting it off, and that there were instances known in which the child had not had its clothing removed for two years. It was pathetic to see the bright faces of some of the crippled girls engaged in lace work industry, who, because they were able thus to earn more than their more fortunate brothers and sisters, had recovered a place in the affection, esteem, and respect of their parents.

It is no small part of your responsibilities as American citizens to unify the laws of the various States against child labor, to provide for their due and efficient enforcement, to require the parents to see that their children receive the education which the State provides for them, to see that the State provides education adequate to equip them for future life, to make their education more vocational and less academic and theoretical, to provide the town school with apparatus for mechanical industries, and the rural school with ground and teachers for agricultural industry, to recognize the right of the child to his childhood, and to see that neither sexual immorality nor commercial greed robs him of it, and to do this not merely by change in legislation but by the creation of a public opinion which recognizes the rights of children, and recognizes and enforces the responsibility of democracy for its children.

We have a great childlike race in this country. Into the question of the Negro race as inferior or equal I have no intention to enter to-night. It is enough to point out that we have had eight or ten centuries of education in Christian liberty and the African race has had less than fifty years of edu-

cation in Christian liberty. If to-day the African race were equal to the White race, then all education would be an insignificant factor in making citizens, or else the Negro race would be far superior to the White race. But to-day the African race is a childhood race, because in the development of races fifty years is hardly a period of infancy. What are we going to do with these eight or ten million Africans? It is largely, if you will, a Southern problem; but it is not exclusively a Southern problem. It is a National problem. If we solve it aright, its solution will add peace and prosperity to the Nation. If we fail, it will bring disaster to the Nation.

If you will consider the pages of history I think you will see that there have been three dispositions that have taken place when a superior race and an inferior race have come to occupy the same continent. There have been three results. Sometimes the superior race has destroyed or driven out the inferior race, as the Israelites are supposed to have destroyed the Canaanites and the Anglo-Saxon race in this country has driven from his ancient home the aboriginal Indian. Sometimes the superior race has enslaved the inferior and held them

in bondage, making of them hewers of wood and drawers of water, as we tried to do with the African race on this continent. Sometimes when a superior race has come in contact with an inferior race they have intermarried and a new race has come forth, as Norman and Anglo-Saxon intermarried in England. Extermination, enslavement, intermarriage, are the three alternatives of history. We certainly cannot exterminate the Africans. We cannot send them back to Africa. It would be a physical impossibility, too, if we wished to do it. And we do not wish to do it. When, a few years ago, a movement was made to transport some of the Africans from the Southern States to farms in Kansas, the men organizing the movement were mobbed. The South needed the African labor. We cannot enslave them. We tried that experiment and failed, and in the failure we paid a large bill in money and a large bill in lives. Nor is it possible to look forward with anything but dread to any intermarriage of these races. Mr. James Bryce, who gave one of the series of addresses in this lecture course, has made a careful study of the problem presented by the backward races. He has published the results of that investigation in a

little pamphlet.<sup>1</sup> He admits that sometimes the marriage of the Negro and White produces a man of brilliant character, and he instances Dumas. But then he goes on to say:

"In forming general conclusions, however, we must have regard not to single instances, however noteworthy, but to the average result; and the two general conclusions which the facts so far as known suggest are these: that races of marked physical dissimilarity do not tend to intermarry, and that when and so far as they do, the average offspring is apt to be physically inferior to the average of either parent stock, and probably more beneath the average mental level of the superior than above the average mental level of the inferior."<sup>2</sup>

I do not see how any one can visit, as I have visited, the West India Islands, or can travel, as I have traveled, from one end to the other of Porto Rico, and not feel that Mr. Bryce has understated rather than overstated the evils that come from the intermarriage of the African with the white man. For my own part, I thoroughly and heartily sympathize with the passionate resolve of the Southern people that this intermarriage shall not go on in their borders, if it can be prevented. It is the sentiment of the highest and best men, the noblest

<sup>1</sup> Romanes Lecture for 1902. *The Relation of the Advanced and Backward Races of Mankind*, pp. 25 and 26.

<sup>2</sup> *The Relation of the Advanced and Backward Races of Mankind*, p. 19.

and purest women. Their methods of preventing it may not all be wise, but the strong and passionate resolve to keep the race pure is one which I heartily share with them. And they are succeeding. The illicit intermixture of the races under slavery was a great deal greater than it is now under freedom. Says Mr. Bryce:

“The English in North America and the West Indies did, indeed, during the days of slavery, become the parents of a tolerably large mixed population, as did the Dutch in South Africa. But they scarcely ever intermarried with free colored people: and when slavery came to an end, illicit unions practically ceased in all these countries. One is assured in the Southern States of America that hardly any children are now born from a white father and a colored mother. So the English in India have felt a like aversion to marriages with native women, and even such illicit connections as were not rare a century ago are now seldom found.”

You see to what conclusion this premise inevitably leads us? Here the races are, Black and White, living on the same continent. We cannot exterminate them, we cannot enslave them, and we cannot intermarry with them. Surely we cannot look forward to perpetual internecine strife with this race. Whatever man, North or South, endeavors to arouse antagonism and hostility between these two peoples, to appeal to the race pride of one or the other as an instrument of attack

or assault, is the enemy of his Nation, a foe of democracy, and a traitor of the future. What then? We must learn to live separate lives in terms of amity and mutual respect. Democracy has learned how men of different nationality and different traditions can live peacefully together; how men of different religious faiths can live peacefully together, the Protestant not assailing the Roman Catholic and the Roman Catholic not assailing the Protestant. It is your problem to teach a self-governing and co-operative commonwealth how two races can live together and preserve their race purity unimpaired, and yet live happily. It is a great problem; but it is something to know what the problem is, what its only solution must accomplish.

There are four great wastes and burdens of society: war, pestilence, crime, and poverty. We have half a score of peace societies, the object of which is not to annul war, but to banish it by substituting in the place of war arbitration, that is, by putting in place of the appeal to force, the appeal to reason. In the United States we have created a court to decide questions between the States, and in Christendom we are moving toward the establishment of a Supreme Court of the Nations

to decide questions between the Nations. We are endeavoring to abolish war. We have established a quarantine to prevent the importation of disease, Health Boards to prevent the propagation of disease, police stations, and private and public hospitals to cure disease. We have probably succeeded in efficiently guarding the city from the incursion of cholera and yellow fever, we are conducting an energetic and successful campaign against the hook worm and the bubonic plague, and we are taking the initial steps to stamp out tuberculosis, and a few physicians, more advanced than their fellows, are studying the problem how to put an end to syphilis. In brief, we are no longer content to ameliorate sickness and cure those who are unfortunately attacked by it. We have entered on a high endeavor to put an end to epidemics. Most of the States in the Union are still content to deal with crime sporadically. To arrest the individual criminal and to punish him in the forlorn and foolish hope that his punishment will deter others from imitating his course is their only expedient in dealing with crime. But experience, which has proved the inadequacy of this method, has already called forth a considerable class of practical reformers

who propose nothing less than the abolition of crime; or, at least, epidemic or social crime. Individual criminals will always remain. The object of the penologist is not merely to teach us how we may deal with the individual criminal; its object is to teach us how we may deal with the sources of crime, and put an end to it as one of the great wastes and burdens of human society. If penology is not yet a perfected science, it is rapidly approaching that consummation.

But we are only just beginning to consider poverty to be a curable disorder. We have sometimes attempted to punish it, we have often attempted to alleviate it, but we have not attempted to put an end to it. And yet poverty, though probably not as great a burden as war, even in time of peace is a greater burden than pestilence is now, and a greater burden than crime, at least in some civilized communities. The *Encyclopædia Britannica* states that a thirty-fourth part of the entire population of England and Wales in 1885 was in receipt of relief, and it declares that pauperism costs England more than crime. Charles Booth, as the result of his remarkable and exhaustive survey of London, estimates that one-third of the population of

that metropolis are poor, by which I understand him to mean are living from hand to mouth, so that lack of employment for a few weeks would involve them in great distress unless they were succored by private or public charity. Mr. Rountree's study of the city of York, in England, shows that the slums of a country town may be as bad in their way, and the poverty as great and distressing, as in London. The pauper population of Paris was officially estimated in 1880 to be 123,735 persons, or one for every sixteen inhabitants in the city. No accurate estimate of the pauper population of New York has ever been made, but Josephine Shaw Lowell, in 1885, estimated that during the three years preceding, 220,000 separate individuals received help through public charity in New York City [now the Borough of Manhattan], nearly or quite one-fifth of the population, and she adds, "there is no room for duplication of cases in these figures."

The Declaration of Independence declares that we have an inalienable right to life, liberty, and the pursuit of happiness. Poverty denies them all. It is a Herod that slays remorselessly the infant children. It compels a man to take what job he

can, at what wages are offered him, drives the woman from the care of her children to the factory to eke out her husband's inadequate wage, and not infrequently robs the child of his right to an education that he may add his mite to the earnings of the household. It takes comfort from the home, joy from the heart, engraves sad, harsh lines on the mother's face, denies merriment to the child, and makes him old before his time. The law, "thou shalt earn thy bread by the sweat of thy brow," is a permission as well as a command. Every man willing so to earn it has a right so to earn it. If he cannot, there is cause not merely for charity, but for justice.

Poverty, a tragedy to those who live in it, is a peril to the community. Hunger riots preceded the French Revolution; the lack of food, not the lack of political liberty, drove the proletariat and the peasants into revolt. The agricultural incompetence of the peasants in Russia, their meager income, and their oppressive taxes are the cause of that discontent which threatens the overthrow of the present Russian Bureaucracy government, and which makes the Nation which ought to be rich and strong, to be really poor and weak. It would be

difficult to overestimate the seriousness of the handicap upon England furnished by so great and, I suspect, growing pauper population. It is because Germany has not such a population as England has that Germany is forging ahead of Great Britain in the world's markets. The poverty of the many in Italy had more to do with the downfall of the Roman Empire than the incursion of the Gauls. A country in which, as Ferrero describes it, there was, on the one side, a great host of men who had lost all that they had to lose in the world, the bankrupt traders and ruined landowners, and on the other, a small and grasping clique of parvenu millionaires, was not a community which could meet with united front the invasion from without. It is not as yet a serious peril to America. But there have already been times in our history when it has been a local menace. And if we do not find an antitoxin for poverty it may easily become for us, as it has for other Nations, a wasting if not a deadly disease. It is the duty of the educated and the prosperous to take up this problem of pauperism and seek its solution, else it will not be solved at all, or will be solved only by revolution. Those who are suffering the tragedy of poverty, who are

seeking employment and finding none, or who are working ten, twelve, or more hours a day for mere subsistence for themselves and their households, are not in a condition to study the problem or to find an answer to it. For the problem the poor who confront it can find no other answer than that of Stephen Blackpool: "Let 'em be. Let everything be. Let all sorts alone. 'Tis a muddle and that's all. . . . Aulus a muddle. That's where I stick. I came to the muddle many times and agen, and I never get beyond it."<sup>1</sup> The poor can find for their poverty no other remedy and from it no other escape than that which Carlyle, with grim humor, describes in his essay on Chartism: "The master of horses, when the summer labour is done, has to feed his horses through the winter. If he said to his horses: 'Quadrupeds, I have no longer work for you; but work exists abundantly over the world: are you ignorant (or must I read you Political-Economy Lectures) that the steam engines always in the long run create additional work? Railways are forming in one quarter of the earth, canals in another, much cartage is wanted; somewhere in Europe, Asia, Africa, or America, doubt it not, ye will find

<sup>1</sup> Charles Dickens: *Hard Times*, p. 37.

cartage: go and seek cartage, and good go with you!' They, with protrusive upper lip, snort dubious; signifying that Europe, Asia, Africa, and America lie somewhat out of their beat; that what cartage may be wanted there is not too well known to them. *They* can find no cartage. They gallop distractedly along highways, all fenced in to the right and to the left; finally, under pains of hunger, they take to leaping fences; eating foreign property, and — we know the rest." <sup>1</sup>

From the problem of the unemployed there is no one remedy because for their unemployment there is no one cause. There are some men who do not wish to work, whose motto is "the world owes me a living," who find it easier to beg than to labor, and, presently, easier to steal than to beg. For such unemployed society should find a stern remedy by enforcing the law of labor upon them. The example which Count Rumford set in Bavaria towards the close of the eighteenth century might well be followed in American communities:

"The multitude of beggars in Bavaria had long been a public nuisance and danger. In one day Thompson (Count Rumford) caused no fewer than 2600 of these outcasts and depredators in Munich and the suburbs alone to be arrested

<sup>1</sup> *Miscellanies, Chartism*, pp. 130, 131.

by military patrols, and transferred by them to an industrial establishment which he had prepared for their reception. In this institution they were both housed and fed, and they not only supported themselves by their labors, but earned a surplus for the electoral revenues. The principle on which their treatment proceeded is stated by Thompson in the following memorable words: 'To make vicious and abandoned people happy,' he says, 'it has generally been supposed necessary first to make them virtuous. But why not reverse this order? Why not make them first happy and then virtuous?'"<sup>1</sup>

There are other unemployed who think they are willing to work, but who lack either the industrial training, or the virtue of patience and persistence. Whenever there is a serious snowfall in New York City, hundreds of men appear to shovel the snow on to carts, and in a few days the streets are cleared again. I wonder where these men come from. Most of them, I suspect, are lodging-house men who are willing to work by the day, but not by the year. This lack of persistence in work is sometimes a race trait. The Governor of Jamaica told me that in employing negroes for work upon his farm, he employed them day by day. He could not count on them to adhere to a week's contract. "A man," says Sir Matthew Hale, "who has been brought up in the trade of begging, will never, unless com-

<sup>1</sup> Enc. Brit., 23, p. 331. Sir Benjamin Thompson.

pelled, fall to industry, though, on the other hand, it is a wonderful achievement which shall bring one, brought up in civility, or industry, to beg."

For men untrained industrially and morally to habits of industry, the remedy is not compulsion but education. In the third place, there are men willing to work, but physically or intellectually handicapped. Life in America is strenuous. There is something pathetic in the life of a man who, through no fault of his own, is compelled to drop out of this great industrial organization because he cannot keep the pace. The Charity organization of New York City has organized a special Bureau for the handicapped. In eighteen months this Bureau received over 1100 applications and provided employment for 450. In the year 1908-9, out of 1113 applications, 766 were furnished employment, two-thirds of them permanent employment. Finally there is a very considerable body of men in this country, varying in number from time to time, who are willing to work and able to work, but cannot find the work to do. They are in all grades of society. Day laborers, mechanics, clerks, professional men; lawyers without clients, doctors without patients, ministers without parishes, authors

without avenues for their publications, as well as wage earners without employers. Germany has pointed out a way by which the State may do something to find labor for these laborless men. There are nearly four hundred labor registries in the Empire which find work for from half a million to a million men and women every year. A writer in the *Outlook* thus describes his visit to one of these labor registries, the one in Berlin:<sup>1</sup>

"It secured 120,000 positions in the year 1908. It was established in 1888, and is maintained by public authorities at a cost of \$25,000 a year, and is administered by the Insurance Department. It occupies a splendid four-story building, probably a hundred feet front, on Gormannstrasse. It runs through to another street, the entrance on the latter street being to the women's department. In the center of the building is a great open hall capable of seating 1,400 persons. There were probably 600 men waiting for work when I was there. Here the men sit, grouped in sections according to their employment. When a call is received by mail or over the telephone, the men are called to the desk. The wages and conditions are explained, and the men are given a card to the employer. Priority is given to the married men as well as to those first registered. On one side of the hall is a buffet, where beer, cigars, and food are sold at a trifling sum. There are cobblers and tailors who do jobs of mending. A shower-bath can be obtained in the basement for a cent. There is a smaller and more elaborate room and a canteen for the skilled workers, and one for women workers in another portion of the building. Connected with the registry is a free dispensary and medical inspection bureau."

<sup>1</sup> *Outlook*, April 23, 1910, p. 941.

Somewhat similar provisions are made throughout the country for wandering workers, whom we call tramps. From the same writer I quote his description of one of these lodging houses:

"In order to secure admission, the worker must be able to produce a passport showing that he has recently been at work. He can pay for his lodging and breakfast (about twelve cents), or he can work for four hours for them. The rule is, 'Morning work, afternoon walk.' The work is usually of a simple kind, such as chopping wood. Over half of the *Herbergen* have savings bank features, deposits being made by the purchase of stamps. The *Herbergen* are usually conducted in connection with the labor registries, and many of them make provision for permanent pay boarders. They are really cheap workingmen's hotels. To such an extent have these institutions been developed in the industrial regions of southern Germany that vagrancy has practically disappeared. So has that class of crimes usually committed by the vagrant class."

The Nation has no asset that compares in value with its men and women. Infinitely worse than the waste of forests and mines is the waste of men and women.<sup>1</sup> Infinitely more important than the conservation of material resources is the conservation of human lives. In one year in the State of New York, eighteen per cent of the workingmen connected with the trade unions, whose reports were secured by the Labor Bulletin of New York,

<sup>1</sup> See N. Y. Labor Bulletin, pp. 7-14.

were reported as out of employment. A part, and a serious part, of your responsibilities as American citizens in the making of America is to make an America in which every willing workingman can have work to do at fairly remunerative wages. Jesus represents the Prodigal Son, in the parable, as saying: "In my Father's house there is bread enough and to spare." In our Father's house there is such amplitude of provision that no man, willing to pay the price in toil for his food, should go hungry. So to organize society that no man in America, whatever his handicap, shall go unfed, unclothed, and unhoused is a part of your National problem.

There have recently come under the sovereignty of the United States four insular possessions, Porto Rico, Hawaii, Guam, and the Philippines. The people who occupy these islands are subjects of the United States, and are under its sovereignty, but these islands are not parts of the United States, and these people have at present no political share in the government of the United States. In the making of America we have a distinct duty towards these so-called dependent or subject peoples.

There are two affirmations frequently made: one, that government should be for the benefit of the

governed; the other, that it rests on the consent of the governed. The two affirmations are not identical. More than that, they are sometimes inconsistent. Government resting on the consent of the governed may not be for the benefit of the governed. Certainly all just government does not rest on the consent of the governed. The government of the parent does not rest on the consent of the children; the government of the school does not rest on the consent of the pupils; the government of God does not rest on the consent of man. But it is true that all just government is for the benefit of the governed. The father must govern for the benefit of his children, the teacher for the benefit of the pupils, and, I say it reverently, it is equally the obligation of God to govern for the benefit of man. But it is clear that if the father were always controlled by the wishes of his children the family would not be well governed, if the teacher were always controlled by the wishes of the pupils the school would not be well governed, and it may be asserted, with equal positiveness, that if men were always governed according to their wishes, the government of God would not be beneficial. Our first duty is to govern these peoples, who have come

under our sovereignty, for their benefit. It is for us, in the exercise of our sovereignty, to determine what is for their benefit, and, as I have pointed out in a previous lecture, it is therefore our first duty to govern them for the purpose of making them, at the earliest possible opportunity, self-governing.

But making them self-governing does not necessarily mean either that they shall be independent of the United States, or a part of the United States. It is not true that the only alternative for Porto Rico, Hawaii, Guam, and the Philippines is independence or statehood. Canada is not independent of Great Britain, though Canada is as truly self-governing as the State of Connecticut, and the people of Canada are as truly self-governing as the people of the United States. A relation of dependence may be maintained through all time which not only is not inconsistent with self-government, but which may be necessary to preserve self-government in the Dependencies. The States of this Union are bound together by a number of ties. Four, at least, may be mentioned: the Union is a commercial Union, a judicial Union, a foreign relations Union, and a political Union. All commerce between the States is free, this makes it a

commercial Union; all controversies between the States are submitted to a Supreme Court of judication, this makes it a judicial Union; all relations of the States to foreign countries are adjudged and determined by the Federal government, this makes it a foreign relations Union; and all the States share in the election of a President, and of a Congress which deals with the common interests of the States, this makes it a political Union. It is clear that there might be a political Union, and not free trade between the States. There was at one time such a political Union between Norway and Sweden. There might be a judicial Union without a political Union. It is now proposed to unite all civilized Nations in such a judicial Union by agreement to defer all disputes that may arise between them to an International Court, but it is not seriously proposed by any statesman to unite them in a political Union with an International Parliament and with an International Executive. We have now a perfect commercial Union between the United States and Porto Rico, and between the United States and Hawaii, but we have not yet a perfect commercial Union between the United States and the Philippines. It is entirely conceivable that

all four Dependencies might be left free to regulate their own domestic affairs on the principles of self-government; might be given free access to American markets by the abolition of all tariffs between them and the United States; might agree to leave all questions which should arise between them and the United States to the Supreme Court of the United States, or to a special court to be organized for the purpose; might be brought under the protecting arm of the United States, and leave all questions which might arise between them and foreign countries to be settled by the United States; and yet might have no part in electing the President or the Congress of the United States. I do not seek now to prophesy the future, or to solve the as yet unsolved problem of our permanent relation to these Dependencies. Personally, I do not believe in giving the Statehood to any insular possession; I do not believe in giving to any island population authority to share in electing the President or the Congress of the United States. But all I wish to do this evening is to point out the fact that it is a mistake to suppose that we must either do that or cast off the islands altogether, and leave them in an independent Nationality. Our fathers

were wise enough to work out a new form of government known as the Federal government. I believe the future generation will be wise enough to work out a form of government which will give adequate protection to the inhabitants of our insular possessions in their right to liberty and the pursuit of happiness without giving them authority over the continental American Nation.<sup>1</sup>

In this lecture I have tried to sum up, though with extreme brevity, and therefore with necessary inadequacy, our duties to those to whom we owe protection. Our duty to protect woman from the greed

<sup>1</sup> To the statements in this paragraph, as reported in the daily press, a Hawaii newspaper strenuously objected, implying that they were based on ignorance of the fact that Hawaii had been organized as a territory. That fact does not alter political status. Repeated decisions of the Supreme Court make it clear that "The Territorial governments owe all their power to the statutes of the United States conferring on them the powers which they exercise, and which are liable to be withdrawn, modified, or repealed at any time by Congress." The decisions will be found referred to in Professor Thayer's "Cases in Constitutional Law." The authority of Congress over individual inhabitants of an organized territory, made citizens of the United States, is probably limited by the permission of the Constitution respecting citizens in the States, which is not the case respecting those who are residing in unorganized territories. But with respect to the form of government that may be established and maintained by Congress over the Territories, there is no distinction between an incorporated and an unincorporated Territory. In either case the Congressional authority is absolute. Prof. W. W. Willoughby: *The Constitutional Law of the U. S.*, Vol. I., p. 407, §176.

and passion of men; our duty to protect children from ignorance, carelessness, neglect, and selfishness, to preserve their right to life, and their right to childhood's happiness; our duty to the childlike race upon the continent, the African race; our duty to protect its race purity and our own, while we give to its members every opportunity which we ourselves possess to engage in honorable industry, and to make themselves all that education can make of them, and to govern themselves in all those matters that concern themselves personally, and to share in the government of the community in which they belong on the same terms and conditions as their fellow-citizens; our duty to the handicapped, the poor, and the unemployed, so to reconstruct our industrial system that every willing worker shall have an opportunity to earn his livelihood, and every man, who is unwilling, shall be compelled to earn his livelihood; and so to deal with the dependent races in our insular possessions that they shall early become self-governing communities under our protection, sharing, as far as may be possible, our advantages, but not invited to help us solve our problems or make our laws.

## RELIGIOUS RESPONSIBILITIES

IN this course of lectures on the responsibilities of American citizenship I have tried to set before you the simple truth that your great responsibility as young men is the making of the America of the future out of the heterogeneous elements and the inchoate institutions of to-day. Life is more than the institutions which it inspires and by which they are protected, and it is your work not merely to frame the institutions but to promote and create the life. The life of America depends upon the religion of America, and my object to-night is to put before you the simple truth that if you are to make the America of the future you must make an America pervaded, inspired, and controlled by the spirit of true religion.

Can a nation have a religion? Can a nation exist without a religion? Mr. James Bryce, who has given one of the course of lectures in this series, puts the question very forcefully in the following terms.

Looking in imagination at the throng of eager figures streaming through the streets of an American city, he says:

“Suppose that all these men ceased to believe that there was any power above them, any future before them, anything in heaven or earth but what their senses told them of; suppose that their consciousness of individual force and responsibility, already dwarfed by the overwhelming power of the multitude, and the fatalistic submission it engenders, were further weakened by the feeling that their swiftly fleeting life was rounded by a perpetual sleep — would the moral code stand unshaken, and with it the reverence for law, the sense of duty towards the community, and even towards the generations yet to come? Would men say, ‘Let us eat and drink, for to-morrow we die’? Or would custom, and sympathy, and a perception of the advantages which stable government offers to the citizens as a whole, and which orderly self-restraint offers to each one, replace supernatural sanctions, and hold in check the violence of masses and the self-indulgent impulses of the individual?”

Mr. Bryce does not directly answer this question, though the reader can hardly doubt what answer he would give. Before giving my own answer and the reasons which sustain it, it is necessary to define the question a little more clearly.

The question is not Should the Nation give its support or even its recognition to a Church? For Americans the absolute separation of Church and State may be regarded as settled. Nor is it a question whether the State should have a theology;

whether a creed, however simple, should be incorporated in the Constitution, as for example a declaration of belief in the Bible, or in Christ, or in God. This is indeed proposed by some of our fellow-citizens, but this is not the question which I desire here to discuss. I do not think the Constitution is a proper place for the insertion of a system of theology or even an article of religious belief, however simple. The function of a constitution is to define and limit the powers of the various departments of the government, not to declare the religious belief of the people who constitute the government. Nor is it the question whether the individual citizens who constitute the Nation should be religious individuals; whether they should possess religious beliefs, be inspired by religious motives, and controlled in their actions by religious principles. It is not the question whether in their political action as citizens they should be governed by the same religious considerations by which they are governed in their domestic, their business, and their church lives; whether they should carry their religions into their politics. This will not be a question to any one who really believes in religion at all. Religion is nothing if it is not a rule of life

and of the whole life; a man is not religious at all if he is not religious in every part of his nature, at all times, and in all relations of life.

The question is whether the life of the Nation can be and should be a religious life. Is religion solely a matter of individual conviction and experience? Or is it true that a Nation also has a religious life which must be influential in determining National questions, must control the National policy, and must find expression in National legislation? Or is the Nation as a Nation a purely unreligious organization?

There are not a few who entertain the latter opinion. This is partly because they have not thought deeply on the subject, and have confounded religion with theology (that is, with the philosophy of religion), or with the church (that is, with the institutional forms of religion); partly because they do not see how it is possible that a Nation made up of individuals of such various, and even antagonistic, faiths as the American people can yet possess a common religious life, partly because they see the curse which has fallen on other nations, who either have been separated into hostile camps by hostile religious faiths, as Ireland into Roman

Catholics and Orangemen, or have been oppressed by the despotism of a hierarchy, as Spain in the fifteenth century by the power of a Papal priesthood, or Massachusetts in the seventeenth century by the power of a Protestant autocracy. They believe that religion is the inspired guide of the individual, that it should govern the citizen, that it is the bond of the family, that in his religious rights the person should be protected by the State, but also that the State itself not only need not but cannot be religious, that to treat all forms of religion with impartiality it must itself ignore religion altogether. I, on the contrary, believe that the Nation must as a Nation be pervaded by the religious spirit and that among the responsibilities of your citizenship in the making of America you have no responsibilities more important than inspiring it with a true religious spirit. And to make my meaning clear I will take as my definition of the religious spirit one with which we are all familiar — that of the prophet Micah: Doing justly, loving mercy, and walking humbly with God. My thesis then is this: The spirit of justice, mercy, and reverence is essential to the peace, the prosperity, and even the perpetuity of the American

Republic as a self-governing, co-operative commonwealth.

What is the primary object of a State? Why do we, ninety millions of people of various races, nationalities and temperaments and religious faiths unite in a common political and industrial organization called a State or a Nation? Why do we maintain not only harbors for our foreign commerce, and railways and navigable rivers for our domestic commerce, and army and navy and police for our mutual protection, and factories and stores for the interchange of the products of our industry, and lawyers and courts for the administration of justice, and schools for public education, and homes for our refuge and our enjoyment and the rearing and training of our young? What ultimate purpose gives significance to all this elaborate machinery of life? To this question Aristotle in his *Politics* has given an answer which subsequent reflection of political students has not superseded. It is, he argues, not merely to protect property: in that case the owner's share in the government should be proportioned to his property, as, to use a modern illustration, is the share of the stockholder in the government of the corporation. Nor is it merely

to protect life and promote industry. In that case the lower animals might form a State, whereas this is impossible. An ant-hill or a beehive is not a State. Nor is a mere military alliance for the purpose of protection from foreign aggression a State. Such military alliances are often formed between different States; but they do not lose their independent existence and become one State. Nor is a combination of men to promote trade and commerce a State: a trust is something very different from a State. And treaties between independent States are often formed for the purpose of promoting trade and commerce, but such commercial treaty does not make the contracting parties into a State. Nor yet is it the function of the State merely to secure justice and peace between the various citizens. For this may be and is secured by international treaties by which different States agree to leave the controversies which may arise between them or between their citizens to a Court appointed for the purpose. There may be an International Court as well as a National Court; the existence of such a Court does not therefore constitute a Nation.

The object of a State is, Aristotle says, to promote the virtue of its citizens.

"The State is not merely a local association or an association existing to prevent mutual injury and to promote commercial exchange. . . . A State on the contrary is the association of families and villages in a complete and independent existence, or, in other words, according to our definitions, in a life of felicity and nobleness. . . . We must assume that the object of the political association is not merely a common life but noble action."<sup>1</sup>

If this be true, then the object of the State is a religious object: for the preservation of virtue and of noble action is the precise object of religion. To be inspired in all our life by virtue, to act in all our conduct nobly,—this is religion. What Aristotle calls virtue and noble action, Jesus calls eternal life. For eternal life, as he uses the term, does not mean an unknown life in an unknown world to come. It means a certain quality of life—the kind of life which untoward circumstances cannot destroy or even impair; and that is precisely the life of virtue and noble action. Thus the object of the State is seen to be the promotion of religion; or, if any of you think this a too narrow definition of religion, then the promotion of a certain phase or aspect of religion.

If we turn from ancient philosophy to modern

<sup>1</sup> The Politics of Aristotle, translated by J. E. C. Welldon, pp. 125, 126.

statesmanship we shall find the same principle there expressed. It is clearly recognized by our fathers in the preamble to the Constitution of the United States. They did not insert in the Constitution any theology or any ecclesiasticism, but they did recognize religion or certain phases of religion. The preamble to the Constitution reads as follows:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Perfect union is impossible without mutual respect and good-will; and mutual respect and good-will are essential elements in a true religious spirit; there is no true religion without them, only the mere simulacrum and false pretense of religion. This Jesus recognized when he denounced the Pharisees who devoured widows' houses and for a pretense made long prayers. Justice and domestic tranquillity, that is justice, and peace, are essential elements in a true religion; the religion of worship dissociated from justice and peace is undesirable. This Jesus recognized when he quoted the saying of a Hebrew prophet interpreting Jehovah's wish for

his people: I desire mercy and not sacrifice. A combination to promote the general welfare is a combination conceived in the spirit of true religion, for such a combination is of the very essence of human brotherhood. This Jesus recognized by the saying: All ye are brethren. The spirit of mutual respect and good-will, of justice and peace, of human brotherhood is the spirit of the Christian religion. A perfect union truly formed in this spirit and for this purpose is a religious union. The founders of our Constitution and the philosophy of Aristotle recognize one and the same end in government, namely, that "the object of political association is not merely common life but noble action."

That the object of the Nation is a religious object, and that it cannot fulfil that object effectively unless it is animated by the religious spirit, that is, the spirit of justice, mercy, and reverence, is further evidenced by a consideration of the most elemental functions of government.

Some irony has been heaped by the modern school of political economists on what they call the night-watchman theory of government; but the first duty, though by no means the sole duty, of government is to be a night-watchman. Its primary function,

that which underlies all the rest, is to administer justice between man and man; to protect the individual from the aggressions of other individuals; to maintain liberty by defending it; to punish crime and to prevent it — and this is essentially a religious function. Justice is as truly a religious act as a worship; and justice is the first duty of the Nation. Justice must be the basis of the Nation's laws; justice the characteristic of the Nation's courts; justice the end of the Nation's systems of jurisprudence, both criminal and civil. It will not be doubted that the Bible is essentially a religious book; take down a copy of the Bible and see how large a proportion of it is given either to an exposition of the principles of justice, to the application of those principles in specific cases, or to the history of the administration of such justice, either between man and man in government, or between God and man in history.

The administration of justice is the first function of government; the administration of mercy is the second function. Modern penologists are rapidly coming to the conclusion that mercy and justice are not at variance; that the truest mercy is also the only justice. Reformatory methods are taking

the place of punitive methods in all our systems of criminal administration. We are discovering that the only way to protect society from crime is to cure the criminal of his criminal disposition. We are establishing reformatories and penitentiaries in the place of jails and prisons; we are establishing schools in our State prisons; we are beginning to organize our system of prison labor, not to make penal servitude hard, but to make industry in the convict a habit; we are trying the experiment of an indeterminate sentence, treating the criminal as diseased, the prison as a hospital, and sending the convict to prison as the lunatic to an asylum, until he is cured. But as it is the primary function of religion to restrain men, so it is the highest function of religion to redeem them, and to put into them such springs of action, to form in them such habits of action, that they will require no restraint not self-imposed. Thus it would appear that the function of religion and the function of the Nation are in so far identical. They both aim to restrain men from evil courses; they both aim to redeem men from evil influences and habits. In short, the highest function of religion is also the fundamental function of the Nation, namely, moral cure. There is indeed

a difference. The Nation only aims to cure men of those vices which make them dangerous to society; while religion goes beyond this and aims to cure men of the sin which makes them dangerous to themselves. But the Nation cannot even enter upon its task of administering justice, which in these later days we have learned is also an administration of mercy, without exercising a fundamental function of religion — the two-fold function of justice and mercy. Nor is it conceivable that the Nation, organized primarily for this very purpose, can fulfil this, its first and fundamental duty, that for which it was called into being and without which there would be no excuse for its existence, if it is not itself inspired, guided, and controlled by the spirit of justice and mercy, — that is, of true religion.

The theoretical considerations here presented as reasons for regarding promotion of a religious spirit in the community as essential to the creation of a self-governing co-operative commonwealth are further confirmed and illustrated by a consideration of the questions with which this Nation, in its self-government, has concerned itself during the last half century. Such considerations make it

very clear that the questions which confront the American people are largely religious questions. That is, they are questions to be determined by religious considerations and upon religious principles. They are not mere questions of expediency. They are questions of moral principle. Events ask the Nation, not What is wise? but What is right? and the Nation must answer. And in answering, it formulates to that extent a religious faith and incorporates that faith in its organic law. Such a question addressed itself to the colonies in 1776, and the first sentence of the Declaration of Independence was emphatically a declaration of religious faith: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." There are no rights that are not duties. The Declaration of Independence was not justified if it was not obligatory. The War of the Revolution was treason if it was not a defense of a sacred trust. This was the declared faith of our fathers — that God had intrusted to them certain rights which they could not alienate without dishonor, and thus their faith was as emphatically

a religious faith as that of the Council of Nicæa or that embodied in the Athanasian Creed. The great questions which confront the American Republic to-day are in like manner essentially religious questions. They ask the nation, not What is profitable? but What is duty? The Mormon question, the Divorce question, the Temperance question, the Indian question, the Negro question, the Labor question, the Prison Reform question, the Public School question, the Woman Suffrage question, the Tariff question, are all essentially religious questions. The Currency question which agitated the country a few years ago was What is an honest currency? And what is necessary to enable us to fulfil honestly our individual and our National obligations? The two parties disagreed as to the answer which the Nation should give to this question; but they both agreed that this was the question to be answered. The Colonial question which followed, Shall we retain or abandon Porto Rico and the Philippines? was a question which concerned our moral obligations to a people who had come by the fortunes of war under our sovereignty. All these questions were to be answered not by our self-interest but by our conscience. And questions

which the conscience must answer are essentially religious questions. And in large measure this truth is recognized by the press and the platform. The more effective writers and speakers are those who recognize the profounder aspects of these problems and address themselves, not to the self-interest, but to the conscience of the Nation.

Nor can these problems be solved by individuals acting individually; they can be solved only by the religious action of the Nation in its National capacity. We cannot solve either the Mormon or the Divorce question by individuals resolving to be content with one wife apiece; the question still remains, What will the nation do with polygamy, with the plurality of wives, contemporaneous or successive? What ought we to do? Does liberty demand that we leave polygamy alone? Does purity demand that we prohibit it? Personally taking the pledge does not solve the problem presented by the saloon. What is the duty of the State toward the liquor traffic? not What is the duty of the individual — to patronize or not to patronize; but what is the duty of the State — to protect, to restrict, or to prohibit? Ought the State to regard alcoholic liquors as legitimate merchandise, like

wool or cotton, the manufacture and the sale of which is to be protected if not promoted, or as an extra-hazardous article like nitroglycerin or arsenic, the sale of which is to be carefully regulated and narrowly restricted, or as a positively pernicious article like diseased meats or infected garments, the sale of which we absolutely prohibit. This is a question for the State to decide as a State; its decision will be expressed by an incorporated legislation; and this action, whatever it is, will be a religious action, that is, an action of the moral nature, in the moral realm, and governed by moral considerations. The Indian and the Negro questions are both phases of one and the same question: what duties, if any, does a superior race owe to an inferior and subject race; both living in the same territory, under the same government, parts of the same Nation? The question cannot be answered by individual philanthropy or by missionary societies; the question is asked of the Nation, and the Nation only can answer it. If the law "Thou shalt love thy neighbor as thyself" is a religious law, if the question "Who is my neighbor?" is a religious question, then the Indian and the Negro problems are religious problems. For their solution demands

the application of this law, and requires an answer to these questions. So of every problem which fronts our State or National organizations to-day. Labor reform: What duty, if any, of protection does the law owe to the individual wage-earner against the possible aggression of organized capital? The prison question: What is the object of punishment? — since all punishment which is not directed to the true end of punishment is essentially unjust and iniquitous. The public school question: What are the correlative rights and duties of the State, the Church, and the parent in the education of the children who are to become the citizens and governors of the commonwealth? Woman suffrage: What duty does woman owe the State? Is she exempt from bearing its political burdens as she is from its jury, its police, and its militia? The tariff question: What duty does the Nation owe of self-protection and self-help? What duty of consideration and brotherhood to the other nations of the earth? Not only in deciding these questions must the individual voter be controlled by religious principles, but their decision incorporates in the Nation a religious principle. It becomes by its legislation monogamous or polygamous; an oppressor

or an emancipator of its subject races; an accessory before the fact to robbery perpetrated by one class on another, or an impartial defender of each class from the aggressions of every other; an avenger or a curer of crime.

It will not be doubted that those who have these questions to solve and these functions to carry on must be animated by the spirit of righteousness and be controlled by that spirit in their official actions. The judge who is to administer justice must himself be just. The legislator who is to enact laws for the protection of persons and property must himself be honest. It might be concluded that in an autocratic government it would be sufficient if the autocrat were a just and honest autocrat. But in a self-governing community the whole people are called upon to enact and administer the law. In a self-governing community, therefore, the whole people must be animated by the spirit of justice if just laws justly administered are to be expected. What we mean by a self-governing or self-controlled individual is that in him his sensual appetites and passions, and his desire for property or fame or power are under the control of his reason and his conscience. What we mean by a self-governing

community is one in which the appetites and passions, the desire for property and fame and power of the people who make up the community are under the control of their reason and their judgment. The mob which is a prey to its passions and goes wherever its impulses carry it, and does whatever its impulses incite it to do, unaffected by considerations of right and justice, is not self-governing or self-controlled. The mere fact that there is no power exterior to it which can control it does not make it self-governing. A body of men is truly self-governing only when it is governed by its own recognition of and obedience to the eternal laws of right and justice. It is self-governed when and only when its moral intelligence perceives the moral law, and, to use Professor Huxley's phrase, its affections are fashioned into a loving and earnest obedience to that law. If, in a community, men act in obedience to an autocrat because he has power to injure them if they do not obey, they are not free. If they act in obedience to a majority because the majority has power to injure them if they do not obey, they are not free. They are free only when they are able to hear the voice of their own conscience interpreting the eternal law to them and are

of their own will obedient to that law. This is the meaning of the Hebrew prophet when he declares that the implements of war shall be converted into the implements of agriculture, when the law shall go forth out of Zion; that is, when the only sanction it needs is the religious sanction furnished by an enlightened and forceful conscience.

“Despotism may govern without faith,” says De Tocqueville, “but liberty cannot. Religion is much more necessary in the republic which they [the atheistic republicans] set forth in glowing colors than in the monarchy which they attack; it is more needed in democratic republics than in any others. How is it possible that societies should escape destruction if the moral tie be not strengthened in proportion as the political tie is relaxed? And what can be done with a people who are their own masters, if they be not submissive to the Deity?”

The spirit of justice, mercy, and reverence in the governing body is absolutely essential to a just government whatever its form — be it autocratic, oligarchic, or democratic. In a democratic government this spirit must be diffused through all the people because in a democracy the people are the governing body. In the American democracy the necessity for the universal diffusion of this spirit of justice, mercy, and reverence is more apparent than in any other democracy, ancient or

modern. Within our territory and constituting a nation are ninety millions of people representing all races, nationalities, languages, temperaments, and religions: the African, the Asiatic, the Caucasian; the Irishman, the Scandinavian, the German, the Hungarian, the Pole, the Italian; the Protestant, the Roman Catholic, the Jew, the Agnostic; some of the richest men in the world and some of the poorest; some of the most cultured and some of the most ignorant and superstitious; with no common faults, no common traditions, only a common hope and a common humanity, and under no other control than that they exert over themselves and over each other. If such a heterogeneous people are to form a perfect union it is indisputably clear that they must understand each other's temperaments, have in each other's welfare an interest, entertain for each other a respect.

There must be mutuality of sympathy in the true meaning of that much abused word. That is, they must be able to enter into each other's experience. The Roman Catholic must understand the Protestant and the Protestant the Roman Catholic, the Italian must understand the Anglo-Saxon and the Celt, and the Anglo-Saxon and the Celt must under-

stand the Italian. It is not enough that these men live in physical contiguity to each other. They must live in intellectual contiguity. They must sympathetically comprehend each other. Without such mutual comprehension there can be no common action, — no true self-government, only a government of the weak by the strong, or of the minority by the majority. Without this mutuality of sympathy America will become not a co-operative Commonwealth but a tower of Babel.

There must be mutuality of interest. Each man must recognize his neighbor's rights and desire his neighbor's prosperity. It is self-evident that men cannot hope to promote the general welfare if they do not care for the general welfare, but each man cares only for his own. No democracy was ever founded and no democracy ever can be founded on the motto: Struggle for existence and survival of the fittest. A common interest in the general welfare is absolutely essential to the perfect union which is contemplated in the creation of a self-governing co-operative Commonwealth.

There must be mutuality of respect. Each man must not only care for his neighbor's welfare, but for his neighbor's opinion. He must not only

desire the general welfare but he must combine with his neighbor to promote it. But he cannot truly combine with his neighbor unless he has respect for his neighbor's opinion. No democracy was ever founded or ever can be founded on that pity which is akin to contempt. The Southerner understands the Negro better than the Northerner does, and he likes him better. But he is only just beginning to respect him. And that lack of respect is the greatest handicap to the Negro and the greatest obstacle to the solution of the race problem in the South. Only the Negro can remove it. He must win the respect of his white neighbors by those qualities to which Americans everywhere give respect — temperance, honesty, thrift, enterprise. The fact that to-day the Negroes in the South, who fifty years ago did not own themselves, now own real estate which in the aggregate is said to exceed the whole of the New England States is doing more to solve the race problem than all the Northern interviews and the Northern editorials on the rights of the Afro-American that have been spoken and written since the Proclamation of Emancipation. The foundation of the Republic is man's understanding of his fellow-man, man's interest

in his fellow-man, and man's respect for his fellow-man. Without mutuality of sympathy there can be no common understanding; without mutuality of interest there can be no common action; and without mutuality of respect there can be no public opinion. But mutual sympathy or fellow feeling is nothing else than obedience to the law, Thou shalt love thy neighbor as thyself; and mutual interest in common action is nothing else than doing unto others as we would have others do unto us; and mutual respect is nothing else than, All ye are brethren. .

And finally there must be reverence for the law of righteousness, that is, of God, as it is interpreted, not by ancient traditions, not by an ecclesiastical hierarchy, but by the voice of conscience, of law as it is written in the soul of man. That is the answer which the believer in American Democracy makes to the pessimistic question of Lord Macaulay:

The day will come when in the State of New York a multitude of people, not one of whom has had more than half a breakfast, or expects to have more than half a dinner, will choose a legislature. Is it possible to doubt what kind of a legislature will be chosen? On one side is a statesman preaching patience, respect for vested rights, strict observance of public faith; on the other is a demagogue, ranting

about the tyranny of capitalists and usurers, and asking why anybody should be permitted to drink champagne and to ride in a carriage, while thousands of honest folks are in want of necessities. Which of the two candidates is likely to be preferred by the workingman who hears his children crying for more bread? I seriously apprehend that you will, in some such season of adversity as I have described, do things which will prevent prosperity from returning. Either some Cæsar or Napoleon will seize the reins of government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth; with this difference — that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country and by your own institutions.

To this question there can be but one answer: if America is to be safeguarded from this return to barbarism, it must be either by force from without, compelling reluctant obedience to law, in which case the Nation will no longer be free, or it must be by forces from within, winning a willing obedience to law because it is just and right, in which case the Nation will be religious. The Nation can be kept free and peaceful only by the power of a reverence in the heart of the people for the voice of conscience, on the one hand inspiring the rich and prosperous with a regard for the well-being of their less fortunate citizens, which Lord Macaulay assumes they will not possess, and on the other hand,

the poor and less fortunate with a regard for the rights of the individual, which Lord Macaulay also does not impute to them. For a people urged on by such passions as he hints at must be restrained either by force from without or by force from within. Force without is despotism; force within is religion. A people who are governed by their conscience are governed by religion; a people reverential to law which has no other sanction than the invisible sanctions of God and an immortal future are reverential to religion. A people who acknowledge no reverence to such divine law and yield allëgiance to no such inward monitor will be the prey to their own animal appetites and passions, unless they are restrained therefrom by the lowest of all the animal passions, that of physical fear.

You young men have no more sacred responsibility as citizens in making the America of the future than the responsibility to imbue the Nation with this spirit of justice, mercy, and reverence — a justice which is free from wrath and bitterness; a mercy which is free from sentimentalism; a reverence which is free from superstitious fear; a justice which is doing unto others as we would that others should do to us; a mercy which is pity and

sympathy and helpfulness for the unprotected, the weak, the wayward, and even the wicked; and a reverence which listens to the voice of an inward monitor and yields to it a prompt and willing obedience.

And if you are to do this you must do it through organizations adapted for the purpose, that is, through institutions of religion. What Edmund Burke said of political institutions is equally true of religious institutions:

Where men are not acquainted with each other's principles nor experienced in each other's talents, nor at all practised in their mutual habitudes or dispositions by joint efforts in business; no personal confidence, no friendship, no common interest, subsisting among them; it is evidently impossible that they can act a public part with uniformity, perseverance, or efficiency. In a connection, the most inconsiderable man, by adding to the weight of the whole, has his value and his use; out of it the greatest talents are wholly unserviceable to the public.<sup>1</sup>

You cannot carry on co-operative industry without industrial organizations. You cannot educate the country without educational organizations. You cannot govern the country without political institutions. And you cannot inspire the country with the spirit of justice, mercy, and reverence

<sup>1</sup> Quoted by Woodrow Wilson in *Mere Literature*, pp. 135, 136.

without religious institutions through which justice, mercy, and reverence find inspiring expression. To such religious institutions, whether Roman Catholic, Protestant, Jewish, Ethical Culture, or affiliated organizations like the Missionary Societies and the Young Men's and Young Women's Christian Associations, I give the general title of Church. By that term I include all organizations whose direct purpose it is to promote in the Nation this religious spirit of justice, mercy, and reverence. Your responsibilities of citizenship involve a duty of co-operation with the Church as thus defined, that is, with some of the various institutions of religion, in the endeavor to promote that life of noble action which Aristotle affirms it is the object of the State to produce.

If the Church is to retain the influence and power it has possessed in the past it must more distinctly and frankly recognize its duty to the State — the duty of inspiring in its citizens and applying to its life the spirit of justice, mercy, and reverence. This is not its sole duty. It may not be its most important duty. But it is a very important part of its duty. And it is the only part of its duty of which it behooves me to speak in a lecture devoted

exclusively to the responsibilities of American citizenship.

With a medieval theology which regarded religion as a worship due to God and a preparation in this life for a life to come, we have inherited a medieval conception of the Church as an organization called into being simply to conduct public worship and to give instruction concerning God and his government. This popular conception of the Church finds apt expression in the definition of the Church furnished by the Thirty-nine Articles of the Episcopal Church. I select this definition not to criticise the Episcopal Church. On the contrary, I select it because it is the clearest and simplest definition I have been able to find in literature of the conception of the Church which has prevailed until very recent times in our National life.

“The visible Church of Christ is a congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly administered according to Christ’s ordinance, in all those things that of necessity are requisite to the same.”<sup>1</sup>

This makes the Church simply a teaching and worshiping organization. But if we go back to Christ, to our instructions, the Church is more than

<sup>1</sup> Article XIX.

a teaching and worshiping organization. Curiously, he never said anything about public worship, though much about the value of private communion with the Father. He taught and he commissioned the disciples to teach. But he confined neither his own activities nor the commission of his disciples to teaching. His commission to his disciples was, "as the Father hath sent me into the world, so send I you into the world." His description of his own commission was in the words: "The Spirit of the Lord is upon me, because he anointed me to preach good tidings to the poor, he hath sent me to proclaim release to the captives and recovering of sight to the blind, to set at liberty them that are bruised, to proclaim the acceptable year of the Lord."<sup>1</sup> He emphasized his definition of his mission by a life of practical activity; and his commission to his disciples by saying to them, "Follow me." The Church of Christ should not be merely a temple of worship and a school of instruction, but even more a brotherhood of service. In the measure in which the Church confines itself to conducting public worship and teaching theology its power wanes. | In the measure in which it is a brotherhood of ser-

<sup>1</sup> Luke 4 : 18, 19.

vice, and uses its worship to inspire men to service, and its instruction to guide men in service, it grows in power.

This service is more than political, that is, service to and in the life of the State. But it includes political service. It includes inspiring justice that is the spirit of the Golden Rule. It includes, therefore, active movements for civic and social betterment. It includes the ministry of mercy. It includes, therefore, going out to help the helpless and to lift up and recover to virtue and to noble action those that have fallen by the way. And it includes the expression of reverence, not only in a ritual for a God too great for our defining, but also in a practical ministry of hope and help to man made in the image of God and therefore his interpreters to us. Wherever the Church has come out from behind its closed doors to carry hope and help to them that need it, its power in the present is greater than it ever was in the past. Perhaps preaching is losing its power. Perhaps public worship is losing its power. But the spirit of service inspired by reverence for Jesus Christ and guided by his teaching and example is not losing its power.

In 1844 a few young men gathered in London to consider what they could do to improve the conditions of young men in the drapery and other trades. Out of that meeting has grown the Young Men's Christian Association. To-day this organization encircles the globe. Nowhere are its activities more effective, or in their field and scope more extended, than in the United States. It preaches the Word; it conducts public worship; but its chief activities are not in preaching or worship but in practical service. It ministers through gymnasiums and athletic sports to the body; through schools and classes to the mind; through Bible classes, prayer meetings and public worship, and teaching in tents and in halls to the spirit. It exists in practically every city and town of any importance in the United States and is extending its work into the rural communities in the same spirit of unselfish service, but by methods adapted to the different conditions. It is no longer an association for clerks alone. It is carrying on a great work among railway employees, extending even to the workers in mines and mills and factories. It is recognized by the United States Government as a valuable voluntary aid in the army and navy and in such public works as the Panama

Canal. It is carrying on and constantly increasing a foreign missionary work, not in competition but in co-operation with the foreign missionary societies. It has in its membership half a million young men and boys, nearly three thousand trained officers, sixty millions of dollars invested in buildings and other permanent property, and an annual income of seven million dollars for current expenses. And, inspired by its success, has grown the Young Women's Christian Association, whose work for young girls drawn or driven into our great organized industries in town and city, if not conducted on so great a scale, is not less inspired by the highest Christian spirit nor less essential to the preservation of the life and the purity and the integrity of the community.

In bringing this course of lectures to a close, I leave with you this as my last word: Responsibilities of American citizenship are not merely political. They cannot be fulfilled by voting for good candidates or for wise politics. Our fathers in the Preamble to the Constitution declared their purpose: it was to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare,

secure the blessings of liberty. These results cannot be achieved by law alone. In a self-governing community laws are only the expression of the life of the community. To secure these blessings for yourselves and your posterity you must create the life of doing justly, loving mercy, and walking reverently. The spirit of justice, which is a desire to do unto others as we would have others do unto us; the spirit of mercy, which is the desire to help our fellow-men, whatever their past history or present conditions or character, upward and forward to a larger, better, and happier life; the spirit of reverence, which is a recognition of the voice of God in the voice of conscience and obedience to law, not coerced by a fear of penalty but inspired by a spirit of loyalty. And this you can accomplish only by political, industrial, educational, humanitarian, and religious co-operation. Only by developing the life within can you make the Nation sane and sound in its outward life. Only thus can you make out of the America of to-day an America of the future that shall fulfil the ideal of its founders and be worthy of the heritage of land and opportunity which God has given to you.

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